

# Exhibit 29

REPORTER'S RECORD  
VOLUME 5 OF 9 VOLUME  
TRIAL COURT CAUSE NO. D-1-GN-18-001835

NEIL HESLIN AND SCARLETT ) IN THE DISTRICT COURT  
LEWIS, )  
 )  
Plaintiffs )  
 )  
VS. ) TRAVIS COUNTY, TEXAS  
 )  
ALEX E. JONES AND FREE )  
SPEECH SYSTEMS, LLC, )  
 )  
Defendants ) 261ST JUDICIAL DISTRICT

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TRIAL ON THE MERITS  
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On the 1st day of August, 2022, the  
following proceedings came on to be heard in the  
above-entitled and numbered cause before the Honorable  
Maya Guerra Gamble, Judge presiding, held in Austin,  
Travis County, Texas;  
Proceedings reported by machine shorthand.

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I N D E X  
VOLUME 5  
TRIAL ON THE MERITS  
AUGUST 1, 2022

PLAINTIFF'S WITNESSES

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EXHIBIT INDEX  
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PLAINTIFF'S NO.	DESCRIPTION	OFFERED	ADMITTED	VOL.
51-Email		5	5	5

1 MONDAY, AUGUST 1, 2022 - MORNING PROCEEDINGS

2 *(The following proceedings were held in open*  
3 *court in the presence of the jury:)*

4 THE COURT: Who will be taking the next  
5 witness and who is the next witness?

6 MR. OGDEN: Plaintiffs call Adan Salazar  
7 by video deposition.

8 THE COURT: All right. You will remember  
9 my previous explanation as to video depositions.

10 Whenever you're ready.

11 ADAN SALAZAR,  
12 *having been first duly sworn, testified via videotaped*  
13 *recording. Transcript of said recording has been marked*  
14 *as a Court's Exhibit.*

15 THE COURT: Okay. Next witness.

16 MR. OGDEN: Plaintiffs call Free Speech  
17 Systems by video deposition, their corporate  
18 representative, Brittany Paz.

19 THE COURT: All right.

20 MR. OGDEN: Your Honor, before we start  
21 Miss Paz, Plaintiffs would move Exhibit 51 into  
22 evidence.

23 THE COURT: Any objection?

24 MR. REYNAL: No, Your Honor.

25 THE COURT: Plaintiffs' 51 is admitted.

1                   (Plaintiff's Exhibit 51 admitted.)

2                   BRITTANY PAZ,  
3   *having been first duly sworn, testified via videotaped*  
4   *recording. Transcript of said recording has been marked*  
5   *as a Court's Exhibit.*

6                   THE COURT: All right. Next witness.

7                   MR. OGDEN: Plaintiffs call Dr. Roy Lubit.  
8                   And, Your Honor, if we may approach.

9                   THE COURT: Sure.

10                  (Whereupon a discussion was held at the  
11   *bench off the record.*)

12                  THE COURT: All right, I'm sorry, you said  
13   Dr. Luvin?

14                  MR. OGDEN: Lubit.

15                  THE COURT: Okay. Is he in the hallway?  
16   He's in the courtroom.

17                  MR. OGDEN: Here he is, right here.

18                  All right. Sir, if you'll come up here,  
19   please. No, right in front of me.

20                  Raise your right hand.

21                  Do you solemnly swear or affirm under  
22   penalty of perjury that the testimony you are about to  
23   give shall be the truth, the whole truth, and nothing  
24   but the truth?

25                  THE WITNESS: Yes, your honor.

1 THE COURT: Thank you so much, doctor.  
2 You can come have a seat here in the witness stand.

3 You'll see we have cups and water. It  
4 seems like you might be a little soft spoken, so I might  
5 need you to scoot a little closer to the microphone than  
6 some other witnesses, but I want you to be comfortable.  
7 So we'll play with it until we can all hear you.

8 Testifying is a little different than a  
9 conversation. It's a question and answer. So, you have  
10 to let the lawyers completely finish asking their  
11 question before you start your answer. Can you do that?

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: Thank you.

14 And then I need you to also answer out  
15 loud with words. Sometimes people shake or nod their  
16 heads and I can't get a good record for that, okay?

17 THE WITNESS: Yes, your honor.

18 THE COURT: Thank you so much.

19 You may proceed.

20 MR. OGDEN: Thank you, your honor.

21 ROY LUBIT,

22 Having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. OGDEN:

25 Q. Dr. Lubit, will you please introduce



1 yourself to the jury.

2           A. I'm a psychiatrist. I'm board certified in  
3 psychiatry and neurology, I'm board certified in child  
4 and adolescent psychology and in forensic psychology. I  
5 trained at -- went to medical school at NYU, did my  
6 psychiatry residency at Yale, and then child and  
7 adolescent psychiatry at Boston Children's.

8                   I then did a two-year fellowship in  
9 advanced psychotherapy fellowship. Following that, I  
10 actually started becoming involved with political  
11 psychology, which is studying certain areas, such as  
12 terrorism and leadership. And I eventually earned a  
13 Ph.D. while I was doing psychiatry during the summers  
14 and in the evening, doing a lot of on-call work.

15                   And then, um, because of writings I had  
16 done and learned about organizational behavior, I was  
17 hired by PricewaterhouseCoopers for two years to do  
18 organizational consulting. During those two years my  
19 contract forbid me from doing anything else, so those  
20 two years I didn't do psychiatry, but I did up until  
21 then and after.

22                   Then I went back and did a forensic  
23 psychiatry fellowship at St. Vincent's Hospital, which  
24 is in the lower part of Manhattan, and it's the largest  
25 hospital anywhere near Ground Zero. And I happened to

1 be there at 9/11. And my superior just happened to be  
2 the world expert on children's trauma, and so I did a  
3 great deal of -- I learned a lot, a lot of opportunities  
4 came, a lot of training was brought in. And then I  
5 spent a year there as an assistant professor and then I  
6 was hired away by Mount Sinai because of my experience  
7 with emotional trauma and they wanted me to teach what I  
8 had learned.

9 Then after that -- so, it took around  
10 2004, I primarily have been in private practice, see  
11 some patients, do a fair amount of forensic work, do a  
12 fair amount of writing.

13 Q. Dr. Lubit, have you ever been deemed an  
14 expert in a courtroom before?

15 A. Yes, I have.

16 Q. How many times?

17 A. A hundred, 200. I'm not sure the numbers.

18 Q. You mentioned the support that you gave  
19 during 9/11 dealing with adults who experienced a  
20 traumatic event. Can you tell us a little bit more  
21 about what you did.

22 A. I spoke to many, many adults, did, you know,  
23 brief work with them afterwards, did evaluations. Um.  
24 Supervised others who were doing therapy with victims.

25 Q. When you -- earlier you said clinical

1 psychology. Does that mean you see patients currently?

2 A. Psychiatry.

3 Q. Psychiatry, I apologize.

4 A. Yes, I do have therapy patients.

5 Q. When you take forensic cases like this one,  
6 do you take both plaintiff and defense cases?

7 A. Roughly equal amounts of plaintiff and  
8 defense cases. And a fair amount that I turn down.

9 Q. Have you ever been brought onto a case and  
10 given a court an opinion that was actually negative to  
11 the party that hired you?

12 A. Yes. I try to turn down the case if I think  
13 that my opinion is likely to go against them. But there  
14 are times where I am not able to make that  
15 determination, then I render an opinion sometimes that's  
16 against the people that retain me.

17 Q. Are you paid for your work in forensic  
18 psychiatry?

19 A. Yes.

20 Q. And you're being paid today; correct?

21 A. Yes.

22 Q. What are you being paid?

23 A. The contract, I believe, was for 650 an hour  
24 originally.

25 Q. How many hours, roughly, have you spent on

1 this case?

2 A. I'm not sure. I had expected it was going  
3 to be 30, I know that I had ran the numbers, 30 hours  
4 for the two cases, basically. And then, since I didn't  
5 testify on Friday, I've been here through the weekend  
6 and I asked you if there would be some compensation for  
7 that and you said yes. I didn't ask you how much.

8 Q. Were you able to come to opinions in this  
9 case?

10 A. Yes.

11 Q. And when you -- in coming to your opinions  
12 what did you review and rely on?

13 A. I did multiple interviews of the two  
14 plaintiffs in the case. I spoke with Dr. Crouch, who  
15 has done therapy with Neil Heslin since 2013 and saw  
16 Scarlett more recently for about ten sessions. I've  
17 seen various videos, I watched three videos of Neil  
18 Heslin testify -- speaking on the air, one in 2012, one  
19 in 2017, and one in 2022. Those are -- I reviewed their  
20 depositions that they had given in this case.

21 Q. Did you review their records from  
22 Dr. Crouch?

23 A. No.

24 Q. Is that common, for you to form opinions  
25 without actually looking at the records?

1           A.     Most of the time I just speak to therapists.  
2     I found that the records are generally illegible and  
3     often don't say as much as the therapist can say to me.

4           Q.     And how much were you able to communicate  
5     with Dr. Crouch about Neil and Scarlett?

6           A.     We spoke a fair amount of time, a couple of  
7     times during the last few days.

8           Q.     Did you do any independent research?

9           A.     Yes, well, it's complicated. For the last  
10    few years I've been working on two papers. One is on  
11    the impact on forensic evaluation of emotional trauma,  
12    which is a rewrite of a paper from 20 years ago done  
13    with a professional before who was an expert. And the  
14    paper is essentially done, I just have to do last-minute  
15    editing and hopefully it will go out the next couple of  
16    days. It would have been out this weekend, but.

17                   And also important was a paper on betrayal  
18    trauma that is finished. It's a review of betrayal  
19    trauma. And it's basically what happens when people,  
20    who you expect to support them or be fair to you, either  
21    fail to do so or do negative things, give what are  
22    called negative social support. Invalidation sometimes  
23    is the most common, and sometimes, you know, victim  
24    blaming.

25                   And there's a lot -- very large literature

1 on that at this time and I reviewed it, and a lot of the  
2 things that I'm probably going to talk about today come  
3 from that research.

4 Q. I want to talk about the specific facts of  
5 this case now.

6 Do people heal from the loss of a child  
7 typically?

8 A. It depends what you mean by healing. Do  
9 people ever -- does the pain ever stop, does there ever  
10 cease to be a bit of a hole in one's heart? No. Is  
11 there going to be sadness around the holidays and times?  
12 There's going to be. But.

13 It's a pretty traumatic event, to say the  
14 least, to lose a child, it's completely against nature  
15 and our expectations and usually our hopes go into our  
16 children. When they die it's a terrible loss. And  
17 people will often then have -- maybe have posttraumatic  
18 stress disorder or major depression. They're going to  
19 have symptoms.

20 Usually after a few years people are able  
21 to move on to a degree. They're able to enjoy things  
22 again, they're able to find pleasure in life. They  
23 can -- often have withdrawn at first, now they're able  
24 to do things with people, their sleep will improve,  
25 their concentration will improve, they won't be

1   obsessing or ruminating about the loss all the time and  
2   hopefully also -- and in general they'll also start  
3   being able to focus more on happen times they had  
4   together.

5                   So, you know, if you get a wound, it  
6   heals, but you have a scar. It's healed largely and  
7   you're able to get on with things again but there's  
8   still a scar that may be annoying at times.

9           Q.   And you mention the symptoms that people  
10   experience when they lose a child. What affects the  
11   severity of different types of symptoms?

12           A.   The severity of all traumas, all emotional  
13   traumas, depends tremendously on negative -- how much  
14   positive social support versus negative social support.

15                   I remember hearing this many years ago and  
16   I was sort of surprised and a little bit shocked to hear  
17   that the magnitude of the trauma is often less important  
18   than the amount of social support, but there's now  
19   plenty of literature showing that.

20                   And even supporting it more, there are --  
21   there's very specific trauma-focused therapy. More  
22   recently, people have tried interpersonal therapy, which  
23   does not focus on the trauma at all, it's on  
24   strengthening the person's social connections to other  
25   people, and it works as well as trauma-focused therapy.

1 And how someone --

2 Q. Let me stop you there, sorry. You used a  
3 couple of terms that we might not understand. I know I  
4 don't exactly. But you started with positive social  
5 support. Tell us what that is.

6 A. Positive social support is feeling that  
7 other people care and are concerned about you, and  
8 empathize or sympathize for what you've been through.  
9 And also it's found that the emotional part is more  
10 important than doing concrete things for them.

11 Q. I want to apply that to why we're here  
12 today. Can you give us some examples of the positive  
13 social support that Neil and Scarlett initially received  
14 after the murder of their son Jesse?

15 A. Obama came down to -- across to Newtown,  
16 Connecticut. There were vigils. There were many, many  
17 people at the funeral. That's showing sympathy, showing  
18 concern, helping people to not feel alone with a  
19 terrible loss.

20 Q. So, positive social support doesn't just  
21 come from your loved ones or your close friends but can  
22 also come from society as a whole?

23 A. It can come from society as a whole. It  
24 often comes from, you know, officials, people with  
25 power. It's -- there's a sliding negative social



1 support, how a doctor and how the police treat a rape  
2 victim has a tremendous impact on how that person does.  
3 And --

4 Q. Tell us a little bit more about what you  
5 mean.

6 A. There -- again, there's very strong  
7 literature that, unfortunately, doctors and police often  
8 ask invalidating questions of people who have been  
9 victimized, people who have been raped, and say things  
10 that are somewhat shocking, such as, you know, didn't  
11 you want it, or look how you were dressed, you caused  
12 this to happen.

13 And so, victim blaming or, are you sure it  
14 was rape, are you sure, you know, you weren't interested  
15 and now you're changing your mind, that would be  
16 invalidation that they have been harmed. And that does  
17 tremendous damage.

18 Q. And you mentioned invalidation. Is that a  
19 type of negative social support?

20 A. Yes.

21 Q. Tell us a little bit more about what  
22 negative social support is.

23 A. There's a -- one can have a hierarchy, from  
24 minimizing how significant it was, oh, it's no big deal,  
25 they'll get over it; to, you know, it didn't happen, no

1 one did anything wrong to you; to vilification, victim  
2 blaming.

3 And the only thing above that is actually  
4 punishing the victim. You know, saying -- going to the  
5 point of saying, which I've seen, you know, you filed --  
6 putting someone -- arresting someone because they  
7 allegedly filed a false police report saying that they  
8 had been raped.

9 Q. Tell us the difference between invalidation  
10 and vilification.

11 A. Invalidation [ph] is saying it didn't  
12 happen or it's not a big deal, whereas vilification is  
13 blaming the person, is saying that they're a bad person;  
14 that they did something terribly wrong and perhaps --  
15 and they deserved it or for other reasons that they're a  
16 bad person. It's attacking the person.

17 Q. So, can negative social support start as  
18 invalidation and invalidification and then morph into  
19 vilification?

20 A. Yes.

21 Q. Tell us how that happens.

22 A. Well, going back to the example of a rape  
23 and the policemen, if they start questioning what  
24 happened and was it really what you're saying, and then  
25 they go ahead and file charges against the person

1 because they don't believe it was a rape and they file  
2 charges against them, and one case I had they put it on  
3 the internet that this woman was arrested for filing  
4 false charges when she, in fact, had been raped.

5 Q. Invalidation and vilification are both  
6 subsets of negative social support; correct?

7 A. They're negative social support, yes.

8 Q. Can you tell us some of the examples of  
9 negative social support that Neil and Scarlett received  
10 following the murder of their son Jesse?

11 A. Saying that it didn't occur is negative  
12 social support. And it really sets up all sorts of  
13 triggers in the brain and increases the pain. Going and  
14 saying that they are crisis actors, the children were  
15 killed by the CIA, and that, you know, they had criminal  
16 intent, this is vilification.

17 Q. Does that invalidation -- am I saying that  
18 correctly?

19 A. Invalidation.

20 Q. Invalidation, vilification. I knew I was  
21 messing up one.

22 Is the invalidation, is that just doubting  
23 someone's feelings?

24 A. It's not just doubting their feelings. I  
25 mean, doubting that it occurred and, I mean, one can --

1 it's more on the borderline of saying that, you know, it  
2 didn't occur, somewhat it's vilification because it's  
3 saying they're lying. It's saying that they're not  
4 telling the truth.

5 Q. I'm sorry, can you speak up just a little  
6 bit? I can't hear. Sorry. You can pull that closer.

7 A. It's a hazard of my profession, I've learned  
8 to talk softly.

9 Q. There you go.

10 A. It's, I mean, I think that denying that the  
11 event occurred is -- I mostly think of it as  
12 invalidation, but saying the person is lying is sliding  
13 to vilification and to more directly say that they're  
14 lying or they're crisis actors or they're -- criminal  
15 intent, that's straight vilification.

16 Q. During your review and coming to your  
17 conclusions, did you find instance -- specific instances  
18 of vilification that were made against Neil and  
19 Scarlett?

20 A. Well, there were, you know, the videos that  
21 have been shown here on Friday when I was here, the  
22 statements that they were crisis actors with criminal  
23 intent and they were trying to take people's guns away  
24 and, et cetera, this was vilification. It was an attack  
25 on them. And it led people to then confront them.

1                   And Neil Heslin had a bullet shot at his  
2 home, at his car. They've both -- they've gotten phone  
3 calls with threats. Scarlett also has been confronted  
4 and is very anxious. Neil was telling me that, you  
5 know, on many occasions, dozens of occasions, people  
6 have come up to him and started challenging him about  
7 his claim that this actually occurred. He's been  
8 shoved. This is all pretty frightening.

9                   Q.     What's more significant, positive social  
10 support, or is that outweighed by negative social  
11 support?

12                  A.     The research, unfortunately, it's  
13 unfortunate, but the research shows pretty clearly that  
14 negative social support is much more powerful than  
15 positive social support. And I think we all experience  
16 that in some ways or we've seen it.

17                   If a child has, you know, loving parents  
18 and good friends and teachers like him but someone at  
19 school, one, two kids start teasing him, hassling him,  
20 assaulting him, he's probably going to feel pretty  
21 badly. And all the, you know, the love from his parents  
22 and friends and teachers is still valuable, but he's  
23 very likely to feel pretty badly and worried and scared.

24                  Q.     And when we're dealing with the different  
25 types of social support, which one lasts longer?

1           A.     Well, it depends. I mean, in terms of Neil  
2     and Scarlett, the, you know, Obama was there for a day.  
3     The vigils, the funeral is there for a few days. And --  
4     but in time that stops. And then the negative  
5     statements about them -- about it not happening and them  
6     lying went on for years, and after 2017 it greatly  
7     increased with more direct attacks on Neil.

8           Q.     And is this positive and negative social  
9     support, is that backed by research?

10          A.     Yes. Yes. Absolutely.

11          Q.     Tell us a little bit about that.

12          A.     There's research that -- looking at people  
13     after traumatic events and how people treated them and  
14     how they did afterwards. There were a number of studies  
15     I've seen, I can't quote the details of the studies at  
16     this time.

17          Q.     Now that we know that Neil and Scarlett both  
18     experienced negative social support, I want to talk  
19     about how it affected them, and we'll start with Neil.

20                 But, before we do that, did Neil and  
21     Scarlett experience different impacts in their lives  
22     from negative social support?

23          A.     Did they -- different types of negative  
24     social support or different impacts on their functions?

25          Q.     Did it affect them differently?

1           A.     There were some differences but there are a  
2     lot of similarities.

3           Q.     Okay. Tell us about the similarities first.

4           A.     They both have a very strong concern about  
5     the damage to the memory of Jesse, to Jesse's legacy.  
6     And that's a major similarity and driving force for  
7     them. They also carry a great deal of anxiety about  
8     being killed.

9                     Scarlett I think talks about it a bit  
10    more, just that she's constantly anxious. A car will go  
11    by down the street, just drive down the street, she gets  
12    nervous. She has a fairly sophisticated surveillance  
13    system and multiple weapons that she sleeps with.

14          Q.     And are all of those directly related to the  
15    effects of the negative social support that she's  
16    received since the murder of her son?

17          A.     Yes.

18          Q.     Is it common -- you mentioned that Scarlett  
19    talks more about it. Is it common for females to be  
20    more open and sharing the effects that they're having  
21    internally, versus when a male has to do it?

22          A.     Absolutely. And there are differences  
23    between individuals in the same gender but, in general,  
24    women are a little bit less used to physical threats.

25          Q.     You and I both have a relationship with Neil

1 and Scarlett. They're different types of people. Neil  
2 is more inclined to close up and not share, versus  
3 Scarlett is okay opening up and sharing her feelings;  
4 correct?

5 A. Yes.

6 Q. You talked about Scarlett and some of the  
7 specific effects that she has. I want to talk about  
8 Neil and some of the specific ones that he has.

9 A. There's a lot more to say about Scarlett.  
10 I can do it later, but at some point I think there's a  
11 lot more than what I just said.

12 Q. Before we -- before we get into -- actually,  
13 go on a little bit about Scarlett.

14 A. Okay. For the past three years, Scarlett  
15 has been having episodes in which she sort of spaces  
16 out, doesn't know where she is, what's going on around  
17 her, can't think, can't function. She said that she has  
18 frozen on stage in these episodes and had to be walked  
19 off. She said it's happened on conference calls and she  
20 said she closed the computer.

21 And I asked her, well, why didn't you just  
22 press the button for or the tab for turning the video  
23 off? And she said she wouldn't be able to do that.  
24 It's she can't think at those times.

25 Q. What is it called when someone starts having



1 that?

2 A. Well, it could be various things. In her  
3 case I believe, to a reasonable degree of medical  
4 certainty, she's dissociating.

5 Q. What is dissociating?

6 A. Dissociation is a sign -- is a defense  
7 mechanism against extreme distress and usually comes  
8 with PTSD or caused by traumatic incidents. And it's a  
9 complex mechanism that's quite hard to understand, I  
10 don't -- it doesn't quite make sense to me, but we know  
11 it happens.

12 You know, I assume all of us in this  
13 courtroom know who we are, where we are, and what our  
14 history is. In dissociation, those three mental  
15 functions split apart. So, at the most extreme we have  
16 multiple personality disorder. Not quite as severe is  
17 our fugue states, in which people for hours to months  
18 potentially, weeks, could function and they can drive  
19 their car, they can do things, but they may not remember  
20 who they are or anything about their history. And I --

21 Q. I want to ask, the negative support that's  
22 causing all of these things to Scarlett, is that  
23 stemming from the conduct of Alex Jones and his company?

24 A. Yes.

25 Q. Now, I want to talk about Neil, because you

1 said that they were experiencing differences.

2 A. I have not heard about Neil dissociating.

3 Q. Correct.

4 Tell us what you have heard about Neil.

5 A. Neil has many symptoms. One thing I found  
6 that's striking, when I looked at the videos of him  
7 speaking six days after the tragedy, 2017 at some point  
8 and 2022, and how he's behaved with me, which is like  
9 what I saw in the 2022 video; and he showed emotion in  
10 2012 and 2017 that was sadness, you can see there was  
11 feeling there, there was -- you had a sense of a person  
12 there.

13 In my interactions with him frequently and  
14 in the video in 2022, he was sort of almost  
15 expressionless, looking up much of the time, not making  
16 eye contact, it didn't seem like he was making eye  
17 contact with whom he was being interviewed by. And  
18 facial muscles were pretty flat and the voice was flat.  
19 And I asked him about this and he said that the emotions  
20 are all drained out of him.

21 Q. Is it common for you to be able to see the  
22 toll that negative social support has on a person?

23 A. Well, as a psychiatrist, yes. But in terms  
24 of -- it was striking to me, I have rarely seen someone  
25 have that huge a change in the way they present, where

1 they're just so overwhelmed that they stop feeling.

2 Q. Earlier you told us about the betrayal  
3 trauma. Is what is happening to Neil and causing that  
4 change, is that considered the betrayal trauma?

5 A. I would, I consider it, you know, an aspect  
6 of type of betrayal trauma. It's not done by an  
7 authority or someone you know, but there's a line of  
8 research called "institutional betrayal" and so, even if  
9 you don't know the people -- if, for example, if someone  
10 is assaulted, raped, and they feel that the institution  
11 had done all that it could to protect them and prevent  
12 this, make it easy to report it, they will have less  
13 severe symptoms than if they feel the organization  
14 didn't do things to support them; that it wasn't easy to  
15 report; that people didn't treat them that well when  
16 they reported it; and that they didn't have call boxes  
17 put around campus.

18 Q. Can you tell us what specific things  
19 happened to Neil to cause that reaction?

20 A. I think the anxiety drains us. There's a  
21 term that's important in medicine called allostatic  
22 attrition, which is that after long periods of stress  
23 our ability to deal with stress goes down. You know, we  
24 see that some people don't develop PTSD until months  
25 after an incident. In almost all cases they have

1 symptoms at first but the symptoms get worse in time  
2 because their ability to handle it just get more and  
3 more exhausted emotionally.

4 Q. So, you mentioned PTSD.

5 A. Yes.

6 Q. What is PTSD?

7 A. Posttraumatic stress disorder is one of the  
8 things that can happen after an emotionally traumatic  
9 event. Many people just become depressed, many people  
10 develop anxiety disorders. Many people meet many but  
11 not all of the symptoms of PTSD. After the World Trade  
12 Center, there were roughly equal amount of people who  
13 developed an anxiety disorder, depression and  
14 posttraumatic stress disorder.

15 So, it's important to remember that, just  
16 because you don't meet the diagnostic criteria for PTSD  
17 does not mean you're right by all means. It's used to a  
18 large extent for research, they have a fixed set of  
19 symptoms and they can do studies on people on what  
20 causes it, on what works in terms of treatment.

21 Q. Do Neil and Scarlett have --

22 A. Oh, but in terms of -- I talked around it so  
23 far.

24 Q. Sure.

25 A. There are several things that you need for

1 the diagnosis. Unlike most mental disorders, you need a  
2 particular type of cause, which it currently is defined  
3 as being exposed to a threat of serious injury or death,  
4 or sexual violence.

5 And then there are a number of symptoms.  
6 You need one or more symptoms of intrusive  
7 recollections. This could be nightmares; this could be  
8 experiencing locked distress, when there are reminders  
9 of what happened; this could be flashbacks, in which you  
10 feel as if it's occurring again; and/or could be that it  
11 keeps coming to mind when you don't want it to come to  
12 mind. Then you need a symptom of avoidance, which could  
13 be avoiding thinking or talking about it or avoiding the  
14 place.

15 So, then you need two or more symptoms of  
16 negative alterations in mood and cognition. And these  
17 include feeling irrational guilt or irrational blame for  
18 someone or having many -- there's four commotions, a lot  
19 of anxiety or depression or both, much harder time  
20 enjoying things, withdrawing from activities and people,  
21 feeling cut off from people, detached.

22 It can also be much more negative feelings  
23 about the world or yourself, and also not remembering  
24 part of what happened, which you think you should  
25 remember. And that usually indicates that there's some

1 dissociation occurring.

2 And finally, there are trauma-based  
3 changes in arousal and reactivity, which are decreased  
4 sleep problems, concentration problems, irritability,  
5 increased startle reaction, and being on edge.

6 Q. So, to diagnose someone with PTSD they have  
7 to have a number of different signs, symptoms --

8 A. Yes.

9 Q. -- experiences.

10 A. Yes.

11 Q. I want to start -- I want to make them  
12 individual, because Neil and Scarlett have been affected  
13 differently.

14 Does Neil have PTSD?

15 A. Yes.

16 Q. Does Scarlett?

17 A. Yes.

18 Q. Okay. Tell me how you determined Neil has  
19 PTSD?

20 A. They also both have -- they're also quite  
21 depressed.

22 Neil, is -- he's thinking, both of them  
23 are, it's on their mind all the time. What's on their  
24 mind is not the death of their child, what's on their  
25 mind is the threats, the attacks, the verbal attacks on

1 their son by denying that he existed, by denying this  
2 had occurred to him, attacks on them as being -- as  
3 lying, deceiving the public. They both try to avoid  
4 thinking about it and talk about it to the extent they  
5 can.

6 And avoiding doesn't mean that you never  
7 did. It means that, unless it's an important reason,  
8 you try to avoid it. So, going to trial doesn't mean  
9 that you don't have PTSD.

10 Q. Sure.

11 A. But it's quite painful to do it.

12 I can't -- at this moment I'm forgetting  
13 which one told me that they avoid Newtown completely.

14 In terms of, you know, altered level of  
15 arousal, they both have sleep problems. Scarlett wakes  
16 up multiple times a night, she used to sleep very well.  
17 Neil said that, you know, after the death of his son he  
18 was getting two to four hours a night and now he's  
19 getting less than two hours a night.

20 Both talked about concentration being  
21 down. Scarlett said that, other than the work she's  
22 doing, and the amount of work she's doing is a problem,  
23 it's a defense against the pain, she can't look at a  
24 book and read it for any length of time. Concentration  
25 is not there, she's scattered.

1           Q.    You said this all -- you said that that all  
2 stems from being exposed to a threat?

3           A.    Yes.

4           Q.    What's the threat in this case?

5           A.    The -- the physical and psychological. The  
6 statements that -- the attacks on their reputation, the  
7 attacks on them as people, that they're lying, the  
8 attack on Jesse's memory, the claim that he didn't exist  
9 or he wasn't killed, attack on his legacy, of who he  
10 was. And he was a remarkable young man, little boy, six  
11 years of age, and what he did is not what little boys  
12 do. He was quite a young special person.

13                   And those, both the pain of denial and the  
14 attack, Neil talks more about the attack on his  
15 reputation and ability of people to trust him and think  
16 well of him than Scarlett does. But the anxiety,  
17 Scarlett has -- by her bedside she has a gun, she has a  
18 knife, she has pepper spray, you know, she put in a  
19 security system. She's very, very -- she's constantly  
20 worried about her safety. And Neil also is constantly  
21 worried about his safety.

22           Q.    When Scarlett and Neil wake up, do they live  
23 in fear?

24           A.    Yes. It's throughout the day.

25           Q.    You were in the courtroom on Friday when



1 Miss Lewis testified. She was the expert in what  
2 sounded like the entire internet.

3 A. Yes.

4 Q. Do you remember that?

5 A. Yes.

6 Q. Did the fact that billions of people were  
7 reaching this type of material, these messages from Alex  
8 Jones, did the size of it, does that impact Neil and  
9 Scarlett?

10 A. Yes. I don't know if the people outside the  
11 U.S. matter to them that much, but certainly within the  
12 United States. That they talk about the -- both of them  
13 have withdrawn from people. Scarlett used to have large  
14 dinner parties and enjoyed that, and now she doesn't  
15 want someone in her house. She stopped the dinner  
16 parties.

17 She, both of them, talk about how -- not  
18 knowing when someone is going to bring this up. Neil  
19 has been -- again, he said dozens of times people  
20 confronted him, sometimes shoved him. Friends will ask  
21 him, you know, what about this Alex Jones stuff, is that  
22 true what he's saying? And this is very painful. And  
23 for one thing, it's a traumatic trigger to the loss of  
24 their son, but it's a traumatic trigger to all these  
25 people and to their reputation is being damaged.

1           Q.     When Mr. Jones's message finds its way to  
2     Neil and Scarlett, it doesn't make them relive the  
3     murder of Jesse --

4           A.     No.

5           Q.     -- it causes them a different pain; right?

6           A.     On some level it may remind them and trigger  
7     them. And I think that what has happened is that they  
8     were both healing quite well and then this new trauma  
9     reversed a lot of the healing that had occurred. And  
10    this does happen at times, something happens that just  
11    undoes the healing, the progress. And so now they're  
12    struggling both with constant threat to their safety and  
13    more trauma from -- than they would otherwise have had  
14    from the loss.

15                THE COURT: I'm sorry to interrupt.

16                MR. OGDEN: Yes, Your Honor.

17                THE COURT: I do want to give the jury a  
18    morning break. Is this an okay time?

19                MR. OGDEN: Perfect time.

20                THE COURT: 10:24. We'll break for  
21    20 minutes. This is just a break. No conversation.  
22    You know my instructions, they are still in place. So  
23    just a break, 20 minutes. You may go.

24                               *(Brief recess.)*

25                THE COURT: Mr. Ogden, you may proceed.

1 BY MR. OGDEN:

2 Q. Dr. Lubit, before we went on break we were  
3 talking about PTSD.

4 A. Yes.

5 Q. Are there different types of PTSD?

6 A. Yes. The complex PT -- Neil and Scarlett  
7 have complex PTSD, which is also called DESNOS,  
8 Disorders of Extreme Stress Not Otherwise Specified.  
9 It's the PTSD that comes from having chronic threats,  
10 being in a war zone, being an abused child, where it's  
11 not one -- simply one incident, such as you're in the  
12 World Trade Center, you have a car accident, someone  
13 hits you in a bar. It's constant draining threat and  
14 anxiety. And the amount of anxiety they have is  
15 extremely high and constant.

16 I use the term "anxiety" because that's  
17 the medical term, but it's more accurate in some ways to  
18 say they're terrified. Scarlett doesn't use the air  
19 conditioner because she's scared that the noise will  
20 prevent her from hearing something she needs to hear to  
21 protect her safety. She constantly works. Middle of  
22 the night she's texting her staff.

23 She's just -- she's dropped most of her  
24 general activities. She used to like to ride, she  
25 doesn't. She has a boat. She goes out on a boat, she's

1 going to be texting people. And the reason that she's  
2 working so intensely is to block out the fear and the  
3 pain.

4 This is something that happens to  
5 traumatized people, I've seen it before, where it's just  
6 things are so painful that you block it out by just  
7 constantly making yourself busy.

8 Q. I want to be clear for everyone. All of the  
9 fear that they're living in, all of the steps that  
10 they're taking to protect their selves, all of the  
11 feelings that they're experiencing in a negative way,  
12 none of those are from the murder of Jesse, they're all  
13 stemming from Alex Jones. Correct?

14 A. Yes. They were both doing much much better  
15 before Jones started focusing and attacking much more  
16 strongly, which occurred after Neil went on Megyn Kelly  
17 and said, no, this actually happened, my son was killed,  
18 I did hold my son with a bullet in his -- with a bullet  
19 hole in his head.

20 It was kind of shocking to me that the --  
21 one of the media people had said it couldn't have  
22 happened, didn't think that it wasn't an inconsistency.  
23 Yes, it's true that, you know, in general people did not  
24 see their kids, but first thing I thought was that  
25 Neil -- something was likely an exception, and I then

1     went back and asked him and he said that, you know, he  
2     stayed there til midnight, after midnight, I'm not sure,  
3     and that at some point a compassionate guard let him go  
4     and hold his son.

5                     I'm not aware if that happened to anybody  
6     else, but I assumed something must have happened as  
7     opposed to just saying he was lying.

8             Q.     Why would Neil have to go on national TV to  
9     a giant audience to say, I did hold my son?

10            A.     Because people were denying it and they were  
11     saying that he was a liar and that he was a -- doing  
12     these bad things. And he was hoping that, if he got on  
13     TV, that this would stop, that Jones would stop.

14            Q.     Did Neil genuinely think that doing the  
15     first interview was going to make it all go away --  
16     excuse me, not the first, the interview with Megyn  
17     Kelly, that this was all going to go away?

18            A.     At least decrease markedly. Whether, you  
19     know, I didn't ask him whether he thought it would all  
20     go away, but he thought it was going to deal with it  
21     largely.

22            Q.     And when you say decrease it markedly, it's  
23     because this isn't just a small group of people;  
24     correct?

25            A.     Correct.

1 Q. This is a massive. Millions of people.  
2 Correct?

3 A. Correct. It's every fourth person.

4 Q. So, roughly, we heard it throughout the  
5 trial, roughly 75 million people believed some sort of  
6 theory that what Neil was saying was not true?

7 MR. REYNAL: I'm going to object to this  
8 part. He's not on expert an statistics. I think we had  
9 Miss Lewis the other day, Your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: Yes.

12 I mean, it's the idea of walking down the  
13 street and every fourth person that passes you, and you  
14 don't know which one, but out of the every four people,  
15 one of them likely believes that you're a liar and  
16 fooling the American -- trying to fool the American  
17 people and that they -- many of them, you know, shove  
18 him, confront him, et cetera.

19 Q. And this -- this is anywhere they go in the  
20 country.

21 A. Yes.

22 Q. When you -- when a person deals with a  
23 traumatic event and is suffering from PTSD, it stems  
24 from a person influencing that large number of people.  
25 What does that do with the severity of what Neil and

1 Scarlett are feeling inside?

2 A. It creates a great deal of anxiety. It  
3 creates terror. We see that in the things they said to  
4 me and the precautions that I -- mostly we talked  
5 about -- more about Scarlett, about her having a gun and  
6 a knife and pepper spray and big alarm system, not even  
7 be willing to use the air conditioner despite how hot it  
8 is this summer.

9 Q. And all these things she does every single  
10 day of her life, none of them have to do with the death,  
11 the murder, of Jesse; correct?

12 A. No, no, they don't.

13 Q. They all have to do -- they all stem from  
14 what Alex Jones did to her.

15 A. Yes, from Alex Jones stirring people up and  
16 then people believing him and believing that they are  
17 lying. And trying to take away their guns.

18 Q. You used the term "anxiety" just a second  
19 ago.

20 A. Yes.

21 Q. That's a clinical term; correct?

22 A. That's a term of psychiatry, yes.

23 Q. In the courtroom today when you're talking  
24 about anxiety, you're talking about the fear Neil and  
25 Scarlett wake up with every day because of what Alex

1 Jones did?

2 A. I would say it's very high levels of  
3 anxiety. Probably more in a nonclinical write-up it  
4 would say they're terrified.

5 Q. And this isn't just one instance of  
6 Mr. Jones and his show spreading these lies, they were  
7 confronted with different people who have seen different  
8 videos or stories and that all fuels the abuse that they  
9 receive; correct?

10 MR. REYNAL: Object to the leading, Your  
11 Honor.

12 THE COURT: I'll sustain the objection to  
13 leading. But you can ask the question a different way.

14 BY MR. OGDEN:

15 Q. What fuels the different fears when they're  
16 out in the world around other people they don't know?

17 A. That -- knowing that roughly one in four  
18 people believe they're doing something terrible, that --  
19 criminal, immoral, lying, et cetera, and trying to take  
20 away their second amendment rights, and not even knowing  
21 which one of those four people, which one of, you know,  
22 you see eight people, you don't know which two are the  
23 ones that despise you.

24 Q. After experiencing that out in the world, do  
25 Neil and Scarlett withdraw from society to an extent?



1           A.    Oh, tremendously. Neil, both of them pulled  
2 away from people tremendously. Neil has withdrawn from  
3 his historic friends, I think maintains phone contact  
4 with a couple of people he still has contact with, but  
5 much, much less social. And I mentioned earlier,  
6 Scarlett used to have large dinner parties and enjoyed  
7 that. And now she doesn't and she just doesn't really  
8 want -- interacting with people when she doesn't have  
9 to. And prefers not having anyone in the house.

10          Q.    Why are Neil and Scarlett isolating?

11          A.    It's a very common thing to find after any  
12 trauma, but more so if the person is scared of people.  
13 But in general frequently with emotional trauma people  
14 withdraw. They feel depressed, they feel anxious, they  
15 want to be alone. It's a classic symptom of PTSD.

16          Q.    When they're dealing with the trauma that  
17 Mr. Jones has caused, is that a natural feeling, to want  
18 to withdraw and isolate?

19          A.    Yes. I think it's much more intense, the  
20 tendency to withdraw is much more intense when you have  
21 a situation where you're scared of who out there may be  
22 going after you.

23          Q.    And does literature support that?

24          A.    Yes.

25          Q.    Tell us a little bit about how.

1           A.     One of the diagnostic -- one of the possible  
2     diagnostic criteria, I mentioned before one of the four  
3     categories is negative alterations and cognition and  
4     mood, and one of them is withdrawing from activities and  
5     people.

6           Q.     Have humans evolved to react this way?

7           A.     Yes.  Much of what they're experiencing is a  
8     result of evolution.

9           Q.     Tell us more about that.

10          A.     You know, people don't simply make decisions  
11     based on logical instrumental reasons.  So, an  
12     instrumental reason, we go to work, we want to make  
13     money, et cetera, et cetera.  There's an actual danger  
14     out there, so we avoid the place.  But we've been  
15     programmed by evolution to be -- to want certain things  
16     and to be scared of certain things.

17                     For example, there are many people who are  
18     terrified of spiders and snakes, and even if they're in  
19     an area that doesn't have brown recluse or black widows,  
20     doesn't have poisonous snakes, the person knows that  
21     it's not one of those, just a common garden snake, some  
22     people are terrified because our ancestors who were  
23     scared of snakes were more likely to survive if they  
24     were just scared of snakes and bugs and they stayed away  
25     from them and they didn't get poisoned by one of the

1     poisonous varieties.

2                     And similarly, our ancestors, our brains  
3     are hardwired by evolution to need relationships with  
4     others for a variety of reasons. Our ancestors were not  
5     going to survive on their own outside of the community,  
6     they certainly weren't going to survive and have  
7     children who had survived to adulthood.

8                     And even within a community they needed to  
9     have people think well of them, because if people think  
10    well of you, they'll help you when you're in trouble,  
11    they'll give you assistance, they'll treat you well,  
12    they'll want to marry you, they'll want to, you know,  
13    their children to marry your children. So, those people  
14    were able to bear more children that would lived to  
15    adulthood.

16                    If someone was disliked, not respected,  
17    people would not want to marry them, marry their  
18    children, treat them well, come to their aid and, in  
19    fact, they might push them out of the community and  
20    exile them, which would be basically a death sentence.

21                    And so, even though today things are not  
22    quite that dangerous, we still have that in us. And so  
23    this is where the power of negative social support and  
24    of positive social support partially comes from. And  
25    there's still an instrumental value now, there's still a

1 tendency, you know, helpful and nicer, but the intense  
2 amount that people seek it, the amount of distress  
3 people have around damage to their reputation, which is  
4 something Neil talks a particularly large amount about,  
5 is sort of hardwired by evolution.

6 Q. So, it's as if there's these hardwires in  
7 our brains that developed far before any of us were  
8 born.

9 A. Yes.

10 Q. One dealing with kind of being cut out of  
11 society?

12 A. Yes.

13 Q. And the want to be wanted; correct? Is that  
14 what you're saying?

15 A. Yes.

16 MR. REYNAL: Object to the leading, Your  
17 Honor.

18 THE COURT: Overruled.

19 BY MR. OGDEN:

20 Q. Is that --

21 A. Yes, that's what I'm saying.

22 Q. And it sounds like another one has to do  
23 with everyone's natural feeling to want to protect the  
24 reputation.

25 A. Yes.

1 Q. Why -- let's take those one by one. I want  
2 to start with feeling alone. Where did that come from?

3 A. Well, there's alone and there's isolation,  
4 and they're both in the same direction. But feeling  
5 alone is scary and it's, you know, there are people who  
6 have separation anxiety and many children have  
7 separation anxiety, and hopefully it decreases over  
8 time. But again that's inborn in us, there's a --  
9 Fairbairn said, you know, that the innate drive is not  
10 for sex, it's for relationships, he disagreed with  
11 Freud; and that there was very strong drive to connect  
12 with people, to be around people for most people. And  
13 to not be isolated in the world.

14 Q. Does that kind of go back to being exiled?

15 A. Yes.

16 Q. Exiled in the past has a different meaning  
17 than the current society, but can you explain why humans  
18 feel pain when they are exiled?

19 A. If our ancestors were pushed out of the  
20 community, they were exiled, they were very unlikely to  
21 survive. You know, we don't have claws and we don't run  
22 that fast or have strong jaws, and they were likely to  
23 be killed. And they certainly were unlikely on their  
24 own to have children that would pass along their genes.

25 Q. Have you ever treated a patient in your

1 entire career who has had that feeling stemming from 75  
2 million people in the country thinking it?

3 A. Not from 75 million people. Who felt cut  
4 off and isolated and generally feels extremely painful.  
5 But feeling that 75 -- one in four people, anywhere in  
6 this country you go is going to reject you, think poorly  
7 of you, despise you, could, well, you know, hassle you,  
8 verbally assault you or physically assault you, no, I  
9 have not seen anything like that.

10 Q. Does that make a person -- or, excuse me,  
11 let's ask this, has it made Neil and Scarlett doubt who  
12 they can trust?

13 A. Oh, completely.

14 Q. Tell us more about that.

15 A. Neil is withdrawn, generally talks about  
16 withdrawing from friends and very much not knowing who's  
17 going to say what or on the street who is going to  
18 confront him. And Scarlett stopped her business or  
19 dinner parties and her socializing with people.

20 Q. The reason we were talking about the number  
21 75 million is that this case isn't the run-of-the-mill  
22 case?

23 A. Correct.

24 Q. This is probably the largest number of  
25 people questioning a single person that you've ever

1 heard of.

2 A. Correct.

3 Q. Are any of the questions that those 75  
4 million people are asking -- or, excuse me, or the lies  
5 that they're believing, are any of those related to the  
6 murder of Jesse?

7 A. Well, related in the way that Jones claims  
8 that Jesse didn't die or didn't exist. But in terms of  
9 would this have happened if Jones wasn't pushing it,  
10 there would be a much smaller number and there would,  
11 you know, from my studies in political science, in my  
12 studies in organizational behavior, very few --

13 MR. REYNAL: Your Honor, I'm going to  
14 object to an opinion on his studies on organizational  
15 behavior and organizational studies.

16 THE COURT: I think what you can do for  
17 us, doctor, is just tell us about how Mr. Heslin and  
18 Miss Lewis have reacted to this situation versus how  
19 they would have reacted were the numbers much smaller.

20 THE WITNESS: Okay.

21 THE COURT: Without telling us what might  
22 have caused that, if that makes sense.

23 THE WITNESS: Okay. Yes, Your Honor.

24 THE COURT: So, you can go ahead and  
25 answer.

1 THE WITNESS: Could I have the question  
2 again, then?

3 BY MR. OGDEN:

4 Q. Sure. The number of individuals that are  
5 doubting them.

6 A. Yes.

7 Q. That impacts Neil and Scarlett much more?

8 A. Yes.

9 Q. I want to talk about reputation now.  
10 Because you mentioned that that affects Neil more so  
11 than Scarlett, but it affects them both; correct?

12 A. Yes.

13 Q. Why is their reputation being affected?

14 A. Because many people have been -- have come  
15 to believe, you know, that they are lying; that they're,  
16 you know, actors with criminal intent, that this didn't  
17 happen, that they're trying to take people's guns away.

18 Q. Excuse me. Trying to deny them their  
19 constitutional rights? And that's all coming from Alex  
20 Jones's lies?

21 A. There would be some people who would likely  
22 believe it without Alex Jones, but the vast numbers and  
23 the -- and the support that people have for acting  
24 strongly, the intensity of their life and their belief  
25 that they should do something, they get -- people get



1 roused up by orators like Alex Jones.

2 Q. How have Mr. Jones's lies actually affected  
3 Neil's reputation?

4 A. Many people challenged him. He was shot at,  
5 his house was shot at, his car was shot at. There were  
6 bullet casings found in his driveway. There are many  
7 people who clearly think very intensely, have very  
8 intense negative feelings about him and are willing to  
9 act on it.

10 Q. How would Mr. Jones's lies have impacted the  
11 memory that Neil has of his son's reputation and legacy?

12 A. That's very important, too. It's --  
13 there's -- there's a desire to feel that a piece of  
14 our -- that a piece of us, our legacy, lives on, that  
15 there's a piece of a child that's died lives on, will  
16 affect the world, had significance, made a difference.

17 And the statement that he didn't exist,  
18 that he wasn't that extremely brave boy who saved nine  
19 classmates, that's very painful. It feels that his  
20 legacy is being destroyed. And we see this with many  
21 people. I mean, some people set up foundations. Some  
22 people, politicians, care about their legacy, what  
23 they've done. People give huge amounts of money to  
24 institutions to get their names on the institution.

25 We're symbolic creatures, and I think it's

1 a way of trying to live on past our death.

2 Q. Is it inherent for a parent to want to  
3 protect those memories of their son?

4 A. Yes. It's not that common people have to  
5 bury their kids, but if they do they're going to be very  
6 protective of legacy as they would have -- as they try  
7 to be protective of their child. And both parents feel  
8 some guilt that they failed their child; that they were  
9 supposed to protect their child in this world, and this  
10 is part of the irrational guilt of posttraumatic stress  
11 disorder.

12 Neil had stated after dropping Jesse off  
13 that day he had some phone calls to make. He stayed at  
14 the school and left I think shortly before Adam Lanza  
15 arrived, and he feels if he had only stayed longer. He  
16 couldn't have known, but that doesn't change the fact  
17 that the person in that position is going to feel, why  
18 didn't I stay. If I stayed, he said, I would have  
19 rushed in there and it would have been me, not my child.

20 And Scarlett also has talked about just  
21 the feeling she failed her child.

22 Q. How have Mr. Jones's lies impacted Neil and  
23 Scarlett's ability to heal from the murder of their son?

24 A. Well, it's more than just interfere with  
25 healing. It has pushed them back. It has shoved them

1 back into some of the earlier pain. And I've seen this,  
2 again, I've seen this with others, where an individual  
3 is healing from a trauma, sexual assault at a restaurant  
4 over -- extended assaults over a period of time, and  
5 they were -- pretty much the symptoms were gone and then  
6 at deposition they were badly roughed up and challenged  
7 and invalidated by the defense lawyer and they fell back  
8 to their original symptoms.

9 Q. Just so we're clear, the original symptoms  
10 are similar but they're different in the fact that  
11 they're upset from the lies that are being told?

12 A. Yes.

13 Q. They're not going back to Step 1, it's a  
14 different pain, it just hurts as much.

15 A. Well, it's -- it prevented them -- reversed  
16 some of their healing. But the primary cause of their  
17 trauma and stress now is not the loss of their child. I  
18 mean, I think it's -- there's some from that still, much  
19 more than there would be if the lies hadn't been told.  
20 But the primary thing now is they speak about, you know,  
21 this terror for their own physical safety. What they  
22 obsess about is Jones.

23 Neil told me that he has nightmares about  
24 Jones, not about -- I specifically asked him, do you  
25 have nightmares about your son? He said no, I have

1 nightmares about Jones and what he's done and what he  
2 does.

3           So, the overwhelming cause of their pain  
4 is what Jones is doing, and that's also is some addition  
5 from reinvoking some of the -- damaging some of the  
6 healing that had occurred in terms of their -- the loss  
7 of their child.

8           Q.    And when you say some of the healing, how is  
9 that affected by a new trauma that's coming in that's  
10 different than a healing that you've already done from  
11 one event?

12           A.    Well, having had a prior trauma  
13 makes -- makes you very vulnerable, makes the individual  
14 less resilient and very vulnerable to a future trauma.  
15 So, it weakens the person.

16                   And so, it speaks to just how overwhelmed  
17 they are and how -- I don't see them healing very much,  
18 ever healing fully from the Jones events. Because  
19 they -- this happened on top of someone who is already  
20 weakened by an earlier trauma, the symptoms are going to  
21 be worse than they would otherwise have been and they'll  
22 last a lot longer than they otherwise would have lasted.

23           Q.    And you weren't asked in this case to tell  
24 us why Mr. Jones decided to attack the vulnerable people  
25 in this situation, were you?

1 A. No.

2 Q. What about the statement "Sticks and stones  
3 may break my bones, but words will ever hurt me"?

4 A. Oh, I wish it were true, but it's not,  
5 unfortunately.

6 Q. Tell us why.

7 A. We say that to people to try to get to them  
8 to step away a bit from the pain of verbal statements,  
9 but the reality is that verbal statements can -- are far  
10 more cutting. We know that verbal abuse of children is  
11 worse than physical abuse of children. The magnitude of  
12 the harm, the longevity of the harm is usually much  
13 worse. Because it attacks the sense of themselves, who  
14 they are, what they believe about themselves, how they  
15 feel about their selves, their self esteem. And they  
16 can come to see themselves as bad people and it gets  
17 engrained into their self image.

18 Again, I think it goes back to, you know,  
19 evolution, that we're programmed to care a great deal  
20 about what others think about us. Because those who  
21 didn't would likely act in ways that would alienate  
22 others and lead them to not get help, not get married,  
23 kicked out of the community and not procreate. Those  
24 who did care about what others thought would mold their  
25 behavior in ways and treat others in ways that would

1 lead people to like them.

2 Q. We talked about Neil having to go on  
3 national television to try to get this to stop.  
4 Remember that?

5 A. Yes.

6 Q. How did Mr. Jones react when Mr. Heslin did  
7 that?

8 A. The attacks focused on him, became much more  
9 intense and frequent, and particularly picked him out  
10 and made him much more of a target than others.

11 Q. And that was specific to Neil; correct?

12 A. Yes, yes.

13 Q. They named him; correct?

14 A. Yes.

15 Q. As Neil started being attacked individually.  
16 How did he react?

17 A. He was scared.

18 Q. Tell us more about that.

19 A. He's talked a lot about his reputation,  
20 legacy of his son and fear for his safety, and developed  
21 multiple symptoms. His sleep got much worse, his  
22 concentration got much more, he withdrew much more from  
23 people, more depressed and anxious.

24 Q. Earlier you mentioned Neil's last memory  
25 with his son.

1 A. Yes.

2 Q. And that's a hard memory to have, but it was  
3 his.

4 A. Yes.

5 Q. The video that we saw last week with  
6 Mr. Shroyer talking, questioning him and then saying  
7 that it was impossible, what did that do to that memory  
8 of Neil's?

9 A. He feels it tarnished it; that it's, you  
10 know, it's a painful memory but it's still his last  
11 memory of he and his son, and it -- we are generally  
12 programmed that, if people start challenging us and  
13 questioning us, that no matter how sure we were about  
14 something, many people would start wondering and start  
15 being unsure of themselves. And that makes things very  
16 uncomfortable.

17 Q. When a memory like that is ruined, it has  
18 nothing to do with what happened to Jesse, it has  
19 everything to do with what Mr. Jones and his company did  
20 in response to Neil; correct?

21 A. Yes.

22 Q. How does Neil -- how do Neil and Scarlett  
23 currently feel about their personal safety?

24 A. They're terrified, again to the point of --  
25 it's rather unusual, I've treated a thousand, 2,000,

1 3,000 people, I don't know how many in my career. I  
2 have not before heard someone with a gun and a knife  
3 and, um, pepper spray by their bed, much less they can't  
4 turn on the air conditioner during extremely hot weather  
5 because they can't risk not hearing something they need  
6 hear.

7 Q. If they could, would Neil and Scarlett hire  
8 security to be with them at all times every day?

9 A. Oh, yes.

10 Q. You've interacted with Mr. Heslin and  
11 Ms. Lewis a number of times over the past few days while  
12 you've been here; correct?

13 A. Yes.

14 Q. Have they hired security for this particular  
15 case?

16 A. Yes, there's quite a strong security detail.

17 Q. Why?

18 A. They are very, very frightened.

19 Q. Of who?

20 A. Someone, some follower of Jones trying to  
21 kill them.

22 Q. And is that based on the history of what's  
23 happened to them by other Jones followers over the last  
24 five years?

25 A. Yes.



1 Q. Is it unreasonable for them to feel that  
2 way?

3 A. No, it's not unreasonable. I think it's --  
4 there's a real threat.

5 Q. I want to talk about Scarlett.

6 One more thing on Neil. Neil has and  
7 continues to seek mental health treatment; correct?

8 A. Yes, he continues to work with Mr. Crouch.

9 Q. Mr. Crouch.

10 And Mr. Crouch is in the courtroom right  
11 now; correct?

12 A. Yes.

13 Q. You have spoken with him at length for both  
14 Neil and Scarlett.

15 A. A couple of times.

16 Q. Scarlett does not treat with Mr. Crouch  
17 anymore; correct?

18 A. Correct.

19 Q. How much did she treat with Mr. Crouch?

20 A. I think she saw him for ten sessions. But  
21 she's had a number of therapists, and she said that she  
22 has generally been in therapy but she finds each person  
23 just isn't helping her enough; that her symptoms  
24 continue. So, she's bounced from one to another to  
25 another, trying to get the help. And she said a great

1 majority of the time she's in therapy but with different  
2 people.

3 Q. Neil and Scarlett, they don't medicate for  
4 their symptoms, for the depression or for their anxiety,  
5 for any of the traumas; correct?

6 A. Correct.

7 Q. Why?

8 A. Concern about the side effects, about --  
9 Scarlett in particular had said she was concerned about  
10 that she wouldn't be able to be there for her son and  
11 relate well, that it would cloud her thinking.

12 Q. Is another reason why because the things  
13 that are causing the depression and the anxiety are  
14 still going? A pill is not going to make crazy people  
15 stop coming after them.

16 A. Correct.

17 It's one of the well-known facts about  
18 treating emotional trauma is you must be in a safe  
19 place. The first thing you do with people who have been  
20 through a trauma, community disaster, whatever, is to  
21 get them to a place where they feel safe. Until you've  
22 done that, you're not going to be able to accomplish  
23 anything.

24 Q. So, Neil finds it's best to deal with a  
25 clinical psychotherapist like Mr. Crouch. Scarlett

1 doesn't and she's not currently treating now. What is  
2 she doing to deal with this?

3 A. I don't quite agree with that.

4 Q. Okay.

5 A. It's that she hasn't -- with person after  
6 person she hasn't gotten the benefit she was hoping to  
7 get. And to some extent it's not surprising, because  
8 the danger is still there. And so -- and not -- it's  
9 not surprising that someone that doesn't feel like  
10 they're getting much out of therapy to try somebody  
11 else. But in her case I don't know who the people are  
12 that she saw, it was Mr. Crouch, and what I've seen from  
13 Mr. Crouch, he's very experienced and seems a very  
14 knowledgeable trauma therapist, but she quit with him,  
15 too.

16 Q. What, after evaluating Neil and Scarlett, in  
17 your expert opinion what would make their pain and their  
18 mental anguish stop, or at least subside greatly?

19 A. It's -- it's not going to stop. And it  
20 would subside significantly if -- I mean, if the attacks  
21 stopped and people -- they kept no longer hearing that  
22 this is all a farce, that it had never occurred.

23 But also one of the -- it's very hard to  
24 survive after a disaster such as they suffered. One of  
25 the ways or, in fact, the main way that people survive

1 it and can go on with life is if they can somehow use it  
2 to do something good out of it. And Scarlett is working  
3 very hard at a social-emotional learning program that  
4 she started.

5 Q. What's it called?

6 A. Love --

7 Q. Choose?

8 A. Choose Love. Thank you.

9 And that's what again she does every  
10 waking minute and when she wakes up during the night.

11 Q. What is the Choose Love Foundation? Tell us  
12 about that.

13 A. It's social-emotional learning at schools,  
14 trying to teach kids -- get kids the help that they need  
15 so that they don't turn out like Adam Lanza.

16 Q. Why did she start that foundation?

17 A. Because it was --

18 MR. REYNAL: Your Honor, object to the  
19 relevancy to his testimony as to their mental health,  
20 why she started the foundation.

21 THE COURT: Overruled.

22 BY MR. OGDEN:

23 Q. Why did Scarlett start the Choose Love Jesse  
24 Foundation?

25 A. It gave her a purpose in life. Instead of

1 feeling empty and loss with one of her sons dead it  
2 gives her a purpose. It makes some sense, at least she  
3 can say, yes, what happened to our child was horrific,  
4 if she could undo it she would gladly give up all  
5 benefits that come from it. But the one thing she can  
6 do is try to help other kids. And this is always --  
7 she's a very compassionate person.

8 I was rather -- I was rather stunned  
9 almost by both of them, that both of them were concerned  
10 about the Lanza family and how they had suffered. And  
11 Scarlett's attitude was that there were 28 victims, not  
12 26; that Adam Lanza and his mother were also victims;  
13 that society had failed them, had not taken care of his  
14 mental health needs and, therefore, this occurred.

15 And I've seen a tape six days after the  
16 murder where Neil was saying that he -- he has  
17 condolences, I don't remember the exact words that he  
18 used, but he feels sad for the Lanza family because of  
19 what they are now going through. They lost a child,  
20 too.

21 It's kind of shocking that people who have  
22 unusual levels of compassion have been treated in the  
23 way they are. And that to some extent makes it a bigger  
24 hurt.

25 You know, if someone is, you know, rough

1 and angry and aggressive and sees the world as a, you  
2 know, rough place, that you fight for things and  
3 something bad happens, oh, well, that's the risks in  
4 life. When what happens is outside of their way of  
5 thinking, things are worse, and there's -- there's again  
6 lots of research on this, that people who are more  
7 pessimistic and expect bad things to happen usually have  
8 small reactions to traumatic events than people who are  
9 more optimistic and think that things are going to be  
10 okay and all of a sudden their world view gets crushed.

11           There's a lot of literature about the  
12 psychological mechanism that happens in PTSD, and one is  
13 the person's world image collapses. You know, we see  
14 the world as reasonably safe, as manageable, as  
15 reasonably just. We may know -- intellectually we may  
16 know differently, but we act as though it is these  
17 positive things. And when a traumatic incident occurs  
18 all of a sudden our feelings change about the world, it  
19 no longer feels just, it no longer feels reasonable or  
20 fair or safe. And that has a huge impact on symptoms.  
21 And some people feel that's a necessary thing to happen  
22 for someone to develop PTSD.

23           Q.     How does Scarlett keep dealing with the pain  
24 of having to wake up in fear every day from the  
25 defendant's lies?

1           A.     She works every minute. She is just  
2 completely obsessed with the Choose Love Foundation, or  
3 Choose Love movement, and spreading social-emotional  
4 learning for kids so that other parents don't suffer the  
5 same consequences. And both of them, also now, the  
6 motivation for this trial for them is to try to decrease  
7 the likelihood that someone else will do -- that some  
8 media person will do to someone else what has been done  
9 to them. And to spare others trauma.

10           Q.     How do you know that? How do you know that?

11           A.     They told me.

12                     MR. REYNAL: Object under Chapter 41.011.

13                     THE COURT: Overruled.

14 BY MR. OGDEN:

15           Q.     How do you know?

16                     MR. REYNAL: May I have a running  
17 objection?

18                     THE COURT: Sure.

19 BY MR. OGDEN:

20           Q.     How do you know that Neil and Scarlett's  
21 reasoning for bringing this lawsuit was to protect any  
22 other family from having to go through this?

23           A.     They've told me and I believe it. And  
24 it's -- going through this, this sort of a trial and  
25 increasing the risk to themselves is -- it's traumatic

1 in itself, it's very, very stressful. It increases  
2 risks. But they are both very compassionate people who  
3 care about others and want to make a difference in the  
4 world, and particularly Scarlett with her movement and  
5 she feels that this can -- this can make a difference,  
6 that other parents shouldn't have to suffer either the  
7 death of their child or the sort of opprobrium attacks  
8 that they've suffered.

9 Q. And in trying to do that does Scarlett in  
10 any way have a healthy relationship with work?

11 A. With what?

12 Q. With her work?

13 A. It's -- that's an in any way to have a  
14 healthy one, I mean, it's healthy to try to make a  
15 difference and to do something that you love, that you  
16 are committed to and want to make a difference in the  
17 world, that's healthy. But the way she does it, um,  
18 working constantly, giving up social life, giving up  
19 recreations, and being so driven to do it that she has  
20 no choice, it just -- it's on her mind constantly.  
21 She's driven, and the reason is to avoid thinking about  
22 the dangers.

23 I saw someone, church sex abuse case who  
24 abused a child. For the next 50 years, I guess, he  
25 would work two jobs, work 80 hours a day, I'm sorry,



1 80 hours a week, and didn't enjoy life very much. And  
2 when he stopped working he collapsed with intrusive  
3 recollections of the sexual abuse. And being  
4 overwhelmed by it. He was working to push that out of  
5 his mind.

6 Q. What's fueling Scarlett to not have a  
7 balance between her life and her work? Why has her work  
8 consumed her?

9 A. Her fear of the dangers, her pain over  
10 what's being done to Jesse's legacy and memory; that  
11 instead of people seeing that there was this young man  
12 named Jesse who was incredibly brave, who saved nine  
13 kids and lost his life in the process and a very caring  
14 kid who had written on the blackboard the day before he  
15 died "nurturing, love," something else. And that,  
16 instead of that memory being there, that he's -- he  
17 didn't die or he didn't exist or --

18 Q. And so, she's fighting not to protect  
19 Jesse's legacy but she's fighting for the memories that  
20 she has of what he actually is?

21 A. But those memories are also -- we're  
22 symbolic creatures, I think somebody spoke about  
23 semiotics the other day, we're symbolic creatures and  
24 the memories keep the person alive to us. There's a  
25 sense that they haven't fully gone if we remember them.

1 If there are any Harry Potter fans, near the end where,  
2 I'm forgetting his name, are saying that he's not gone,  
3 he's in our hearts.

4 Q. Neil and Scarlett aren't in the courtroom  
5 right now, are they?

6 A. No.

7 Q. Is that for their own good?

8 A. I suggested that they not hear things that I  
9 was saying about them.

10 Q. Why?

11 A. To hear about how strong -- greatly impaired  
12 they are, to hear more about their suffering, it would  
13 be a traumatic trigger. It would, for a little bit,  
14 make things worse.

15 Q. One last thing, one follow-up thing on  
16 Scarlett. You mentioned that she has a son.

17 A. Yes.

18 Q. Who is her son?

19 A. J.T.

20 Q. J.T.

21 And has -- as a mother, has she had to  
22 protect her other son, J.T., throughout this process?

23 A. Yes, and she feels that she was not as good  
24 a mother as she wanted to be with him, because she was  
25 so overwhelmed, preoccupied in pain.

1 But when J.T. was still in high school,  
2 someone wrote letters to his teachers, to the college he  
3 wanted to go to, making negative comments to the local  
4 reporter, and she is scared for his safety.

5 And I, by the way, I strongly, strongly  
6 suggested that J.T. not be in this courtroom when I was  
7 speaking. I didn't want him to hear about the level of  
8 pain and distress that his parents are in, his mother is  
9 in.

10 Q. And the abuse that was done by this Jones  
11 follower, he's a 17-year old kid at the time?

12 A. Yeah.

13 Q. How did Scarlett react?

14 A. I'm sorry, I don't understand.

15 Q. How did Scarlett react to J.T., her son, a  
16 minor, receiving all of this attack from Jones and his  
17 follower?

18 A. It scares her. And she feels her other son  
19 is being victimized, as well. And he is.

20 Q. What is character Assassination?

21 A. What has happened to Neil and Scarlett.

22 Q. Tell us a little bit about what it is.

23 A. It's -- it's destroying someone's good name.  
24 Which is a very serious thing.

25 There's a line from *Othello* that, you

1 know, if someone takes my purse, it's not a big deal.  
2 It was mine, it is his, it was slave to many other  
3 people, no big deal. He didn't say no big deal, but I  
4 can't quote the exact line from Iago. But if someone  
5 takes my good name, that is a very serious injury.

6 And it's -- people care about their good  
7 names, it's very important in the world to have a good  
8 name. In an instrumental way it's very important, but  
9 also one's self image, it's very hard to think well of  
10 one's self if there are people around that are  
11 badmouthing you.

12 MR. REYNAL: I'm going to object, outside  
13 the scope of his expert testimony that was disclosed.

14 THE COURT: Overruled.

15 THE WITNESS: And you know, we see it in  
16 various places. Someone makes -- go to a bar, some --  
17 let's say both people have lots of friends, one person  
18 in the bar makes a negative comment, possibly about the  
19 person's mother, in the playing field that's the way to  
20 get into a fight in middle school, just say something  
21 about somebody's mother. And in a bar, making whatever  
22 comment, acting in a disrespectful way towards somebody  
23 else. And you're asking for a fight. And the two  
24 people, you know, are probably pretty aware that a  
25 fight's likely to come.

1 But it stirs people up so much that  
2 they'll fight, even though one could say, who cares what  
3 this person that I don't know is saying about me or my  
4 mother. You know, I've got all my friends, who cares  
5 about this person. But people do. And it's -- it  
6 doesn't make logical sense, it's not instrumental, it's  
7 terribly uninstrumental, it's dangerous. But this is  
8 how evolution has hardwired us.

9 BY MR. OGDEN:

10 Q. What do we do when Alex Jones influences  
11 this many people to attack Neil and Scarlett's name?  
12 How are they supposed to fight back?

13 A. I --

14 Q. Or is that what this courtroom is for?

15 A. That is what the courtroom is for, and the  
16 one way is to try to get a clear statement that --

17 MR. REYNAL: I reurge the objection under  
18 41.011, Your Honor.

19 THE COURT: Overruled.

20 THE WITNESS: That this is wrong.

21 BY MR. OGDEN:

22 Q. Let's back up, just so we're clear. It's to  
23 get a clear statement of?

24 A. That they weren't lying and also that what  
25 Alex Jones did was terrible and wrong. And they also

1 very much want to -- it will help them heal to whatever  
2 extent they can heal if they're able to make a big  
3 enough statement here that other people, media people,  
4 are less likely to do to other parents what Alex Jones  
5 did to them.

6 Q. Why are Neil and Scarlett so selfless about  
7 that?

8 A. That's who they are. They're remarkably  
9 compassionate people to have concerns about the person  
10 who murdered their son, about the family. That's  
11 remarkable.

12 Q. The opinions you've given today to us, are  
13 they to a reasonable degree of medical certainty?

14 A. Yes.

15 Q. And the materials and interviews that you  
16 relied on, are those the types of things that other  
17 experts in your field generally do when coming to expert  
18 opinions?

19 A. Yes.

20 MR. OGDEN: Thank you for your time,  
21 doctor. I don't have anything right now.

22 THE COURT: All right, thank you.

23 Mr. Reynal.

24 ///

25 ///

## CROSS-EXAMINATION

BY MR. REYNAL:

Q. Dr. Lubit, I believe you've testified that you have testified in the past in at least a hundred cases?

A. Yes.

Q. I think you said maybe even 200?

A. Possibly.

Q. You derive a substantial portion of your income from acting as a forensic psychiatrist; correct?

A. Yes.

Q. And that means testifying persuasively in court?

A. Yes.

Q. Are you familiar with the American Academy of Psychiatry and the Law?

A. Yes.

Q. And do they promulgate rules of ethics for people in your position?

A. Yes.

Q. Do you consider them to be authoritative?

A. They're significant. I've also written on -- I published on ethics, I wrote the chapter on ethics for two versions of the Comprehensive Textbook of Psychiatry.

1 Q. My question to you was about the American  
2 Academy of Psychiatry and the Law and whether you  
3 consider them to be a reputable authoritative rulemaking  
4 body for ethics in forensic psychiatry.

5 A. They're a reputable body.

6 Q. And are they authoritative?

7 A. I'm not sure what you mean by authoritative.

8 Q. Well, would you like to see what they have  
9 to say about the risks involved in testifying in a  
10 lawsuit?

11 A. Please show me.

12 Q. Now, I would like you to read out loud to  
13 the Members of the Jury the passage I've highlighted for  
14 you from the ethical rules.

15 MR. OGDEN: Your Honor, I'm going to  
16 object. Hearsay.

17 THE COURT: So, I thought the question was  
18 do you consider them authoritative and we don't have an  
19 answer on that yet; is that right?

20 MR. OGDEN: I did, as well.

21 THE COURT: So, I think you need an answer  
22 on that before you can --

23 THE WITNESS: They're not obligatory --

24 MR. OGDEN: Hold on, doctor.

25 THE COURT: I'm sorry.



1                   So, for now I will sustain the objection.

2                   MR. OGDEN: Your Honor, I also might add,  
3 I have no idea what he's showing him. I haven't seen  
4 it.

5                   THE COURT: Oh, you're not allowed to show  
6 the witness anything that we haven't shown opposing  
7 counsel. I think we learned that first year of law  
8 school. Don't do it again.

9 BY MR. REYNAL:

10                  Q. So, you said they weren't obligatory, and I  
11 agree with you. The question is, are you familiar with  
12 other bodies that promulgate similar rules?

13                  A. What I read is something that I've written  
14 myself.

15                  Q. Okay.

16                  A. Which is one needs to be careful about bias  
17 when doing forensic evaluations. And needing to be --  
18 the American Academy of Psychiatry and the Law, the  
19 members are forensic psychiatrists who do forensic  
20 evaluations. So, the purpose of the organization -- so,  
21 the organization certainly thinks that it's appropriate  
22 to do forensic evaluations and to testify in court.  
23 That's the whole purpose of the organization.

24                  Q. And a forensic psychiatrist has a different  
25 role from a treating psychiatrist; true?

1 A. Agree.

2 Q. A forensic psychiatrist is primarily or  
3 should primarily be concerned with truth in the  
4 courtroom to the fact finder; right?

5 A. Yes, yes.

6 Q. And a treating psychiatrist, their primary  
7 concern is the well-being of their patient?

8 A. Yes.

9 Q. And did I hear you correctly that you've  
10 done about ten sessions with Ms. Lewis?

11 A. No, no, no, no, no. Mr. Crouch saw her ten  
12 times.

13 Q. Understood.

14 So, a treating psychiatrist, unlike a  
15 forensic psychiatrist, will usually take a patient's  
16 version of events at face value; correct?

17 A. Not necessarily. I don't much of the time.  
18 But therapists typically do.

19 Q. Therapists typically.

20 And a forensic psychiatrist shouldn't take  
21 anything at face value, should they?

22 A. The word "anything" is far too broad. I  
23 mean a patient, if someone says, you know, they're  
24 anxious and they -- and things are consistent and likely  
25 and the pieces fit together, we usually accept it.

1 Q. Well, so, when you say consistent and the  
2 pieces fit together, that's based on evaluating them  
3 when they speak to you?

4 A. Agree.

5 Q. And then also taking some steps to verify or  
6 investigate their life history?

7 A. No. It's not our job to go and in most  
8 cases to evaluate someone's life history.

9 Q. Well, certainly --

10 A. It's not required. I'm trying --

11 MR. OGDEN: Your Honor, I'm going to  
12 object so the witness can finish his answer.

13 MR. REYNAL: I'll object, nonresponsive,  
14 Your Honor.

15 THE COURT: Hang on.

16 MR. OGDEN: We know what he --

17 THE COURT: Hang on, hang on.

18 MR. OGDEN: Yes, Your Honor.

19 THE COURT: Okay. So, sustained and  
20 overruled.

21 You have to let him answer the question  
22 you ask, especially when you ask an open-ended question.

23 MR. REYNAL: Very well.

24 Please.

25 THE WITNESS: I mean, it's not standard

1 practice to go and -- and get the individual's, you  
2 know, school records and work evaluations and look up  
3 where they lived, check their credit rating, whatever.  
4 It's -- there are times when I do get school records and  
5 try to get work records, particularly in situations  
6 where it's a work-related injury. Or they're claiming,  
7 you know, traumatic brain injury.

8 But in terms of emotional trauma and  
9 stress, it's not standard practice to go and see, you  
10 know, go through records to find out all sort of things.  
11 It would make -- it would severely increase the cost of  
12 the services, and it's up to the lawyers to see to it  
13 that the facts are correct.

14 And if it turns out at trial that facts  
15 that I was relying on are not correct, that's likely to,  
16 depending on the significance of those facts, it may  
17 wipe out my opinion. And I had a trial in which  
18 something came out that I should have been told that I  
19 wasn't and I withdrew my opinion.

20 Q. Would you agree that it is standard practice  
21 within your industry to be heightenly aware of the  
22 possibility for fabrication if an individual is referred  
23 by an attorney to the clinician for examination?

24 A. Clinician for -- if someone is referred to a  
25 clinician for evaluation there is a risk there, yes.

1 Especially in custody battles.

2 Q. And similarly there is an important -- it's  
3 important, in the context of being a forensic  
4 psychiatrist, to see if there's a marked discrepancy  
5 between the individual's claimed stress and the  
6 objective finding and observations.

7 A. If there are such findings. I mean, I, in  
8 one of the papers that I told you I'm going to be  
9 finishing this week, there's a large section on  
10 assessing for malingering.

11 Q. So, you said that people shot at Mr. Heslin.  
12 That sounds like an objective statement to me.

13 A. Shot at his house and his car.

14 Q. Sounds likes an objective statement to me.

15 A. Yes.

16 Q. You said that Alex Jones caused them to do  
17 that. Sounds like an objective statement to me.

18 A. That his oratory stirred people up.

19 Q. You've said that Scarlett Lewis no longer  
20 has dinner parties. Sounds like an objective statement  
21 to me.

22 A. Yes.

23 Q. Fair to say that you didn't speak to any of  
24 their friends or get any police reports to confirm any  
25 of those things.

1           A.     That would not be standard practice. I  
2 reviewed hundreds and hundreds of reports by other  
3 forensic evaluators and I don't see that.

4           Q.     Is it fair to say that you have not regarded  
5 information provided to you by the plaintiffs' attorneys  
6 or other experts with any degree of skepticism?

7           A.     No, I have. I was surprised at the degree  
8 of focus on the son's memory, so I went back to research  
9 and started thinking about how this would come about,  
10 does it make sense. And it does make sense. I was at  
11 first surprised about it.

12          Q.     So, on direct examination you repeated I  
13 think something that we heard from Becca Lewis yesterday  
14 that billions of individuals have received Mr. Jones's  
15 message. Do you recall saying that?

16          A.     Yes.

17          Q.     Last time I checked there were about 400  
18 million Americans; true?

19          A.     Yes.

20          Q.     And in the world there are about 1.3 billion  
21 people who even speak English.

22          A.     I also said earlier in my direct that I  
23 wasn't concerned about people outside the country. And  
24 that I didn't know about the billions, but roughly, you  
25 know, one in four million people here, and I think

1 that's adults, one in 75 million adults. I doubt  
2 children were asked, so one in four adults.

3 Q. Would -- is your testimony that Alex Jones  
4 is so convincing and so persuasive that people watch him  
5 and believe him even who don't speak English?

6 A. Obviously if they don't speak English, no.  
7 But again I didn't -- I dismissed the issue of people  
8 outside of this country, and I think the great majority  
9 of Americans speak English.

10 Q. And so it would be fair to say that billions  
11 of people would have been a great exaggeration, wouldn't  
12 it?

13 A. I don't know. I don't know about media  
14 habits of others, I don't know what data Miss Lewis had.  
15 I didn't care about what was outside the country because  
16 I didn't think that would be terribly threatening unless  
17 they were traveling a lot. The focus was on people  
18 here.

19 Q. Let's talk a little bit about bias. You've  
20 testified that you're getting paid to testify here;  
21 right?

22 A. Yes.

23 Q. But this isn't the first time you've  
24 testified for a parent of somebody injured at Sandy  
25 Hook; isn't that true?

1 A. Correct.

2 Q. And you testified for a man named Leonard  
3 Pozner?

4 A. Yes. I testified for the truth. I was  
5 retained by Leonard Pozner.

6 Q. And in that case you did it for free?

7 A. That is true.

8 Q. Because you said you felt it was an  
9 important case?

10 A. Well, I did it for free because they knew  
11 from the start that there would be no monetary return  
12 because he had no money. And so, I felt it was  
13 important enough that I donated my time, as I've done in  
14 a good number of cases.

15 Q. You wanted to help Mr. Pozner because you  
16 feel strongly, personally, that he should have won that  
17 case?

18 A. I was testifying for the truth. I thought  
19 that was an important issue and my job was to speak the  
20 truth and inform people about the knowledge of  
21 psychiatry that would be helpful to people -- to the  
22 trier of fact to make a decision.

23 Q. Would you agree that a personal connection  
24 to the events at Sandy Hook is the kind of thing that  
25 should be disclosed and considered in terms of assessing



1 your bias?

2 A. I didn't lose a child to Sandy Hook.

3 Q. I'm not suggesting you did. I'm simply  
4 asking if a connection to the events should be assessed  
5 in looking at any potential bias.

6 A. It depends what the person -- what the  
7 connection is. It depends the sort of statements  
8 they're giving. In terms of the issue of bias with me,  
9 almost everything I've said is straight out of the two  
10 papers that I finished up, and I largely, when I was  
11 working on what I thought would be important to say  
12 today, I basically cut and pasted from my writings that  
13 were done before the case.

14 Q. Is Alex Jones causing the injury to the  
15 parents anywhere in your papers?

16 A. No.

17 Q. Is Neil's house was shot at and he's been  
18 accosted on the street anywhere in your paper?

19 A. Those particular facts -- but those are  
20 facts. And if it turns out that those facts are not  
21 true, that is going to affect my opinion. But in terms  
22 of the issue of the power of negative social support  
23 versus positive social support, the concerns about  
24 reputation, these are things that I built articles on,  
25 these are things that I've written about in my own

1 papers.

2 And there are a lot of things that I  
3 didn't go into such that again are in my papers, such as  
4 that Scarlett's memory is going on her, and a recent  
5 paper that I found said that women between the ages of  
6 50 and 70 who suffer severe stress suffer premature  
7 damage to their memories and to their -- and brain  
8 problems.

9 And I didn't mention on direct, but this  
10 is something that is fact, this is literature, this is  
11 what I've written about. It's not a bias, it's  
12 scientific fact.

13 Q. Are you finished?

14 A. Yes.

15 Q. Your -- would you agree that your curriculum  
16 vitae states that you live and work in New York?

17 A. Yes.

18 Q. You own another home; isn't that true?

19 A. I own -- there's another home that I helped  
20 a friend buy when his girlfriend and him broke up,  
21 couldn't afford it himself, and so, yes, I'm on the  
22 mortgage and on the deed.

23 Q. And that home is in Connecticut; right?

24 A. Yes.

25 Q. In Fairfield County?

1 A. Yes.

2 Q. In Southport?

3 A. Yes.

4 Q. About 20 miles from Newton? Newtown, excuse  
5 me?

6 A. I'm not sure how far. I've almost never  
7 gone to the place.

8 Q. Okay. You must have been a resident of  
9 Connecticut in 2018, weren't you?

10 A. I had the house, yes.

11 Q. I'm sorry?

12 A. Yes, I was there at that time.

13 Q. And you were using that house as your  
14 address; right?

15 A. Yes.

16 Q. Okay. And that's because you ran for  
17 Congress that year; isn't it?

18 A. Yes.

19 Q. And you ran as a Democrat, isn't it?

20 A. Yes.

21 Q. This is the same Fairfield County where  
22 Sandy Hook is located?

23 A. Yes.

24 Q. I'm sorry, they're not here, but Neil and  
25 Scarlett would have been your constituents; right?

1           A.    I don't know where they live, I don't even  
2 know exactly where they live, so I don't know whether  
3 they would have been or not.

4           Q.    It's fair to say, since you ran for  
5 Congress, that you have some interest in politics?

6           A.    Yes.

7           Q.    And you know that Alex Jones is a notorious  
8 target for the Democratic party?

9           A.    I'm not aware of that.

10          Q.    Well, did you -- did you live the 2016  
11 election?

12          A.    Did I live the 2016 -- I'm not sure what  
13 that means.

14          Q.    Were you there? Did you watch it? Did you  
15 vote?

16          A.    I voted.

17          Q.    Okay. Hillary Clinton versus Donald Trump;  
18 right?

19          A.    Yes.

20          Q.    And Hillary Clinton ran massive ads across  
21 the country associating Alex Jones with Sandy Hook and  
22 with Donald Trump; true?

23          A.    I don't recall it.

24          Q.    The fact is you don't like Alex Jones, do  
25 you.

1           A.    I don't like what he does. I don't know the  
2 person, I think what he does is wrong.

3           Q.    And it would win you friends within your  
4 community if you were to participate in taking him down,  
5 wouldn't it?

6           A.    No. I don't see how it would win me  
7 friends. I have no intention of ever going back to  
8 politics. It was an unexpected thing. But to see it  
9 opened up, I have no intention of ever returning to try  
10 to run for office.

11          Q.    Are you finished?

12          A.    Yeah.

13          Q.    We've had a couple of emails from -- well,  
14 actually, let me move from that.

15                So, you've testified very strongly that  
16 Alex Jones victimized the plaintiffs in this case. Do  
17 you recall that testimony?

18          A.    Yes.

19          Q.    Let me ask you, based on your speaking to  
20 them, when did Alex Jones's message or when did they  
21 first hear one of his broadcasts for the first time?

22          A.    I don't know when they heard it for the  
23 first time, but they started becoming much more  
24 distressed about things in 2018 when the attacks and --  
25 direct attacks at Neil occurred and Alex Jones

1 intensified his rhetoric.

2 Q. Okay. So, we've had evidence that there was  
3 a four-minute video done by Owen Shroyer and then maybe  
4 an additional minute later by Alex Jones. Is it your  
5 position here that those five minutes of air time are  
6 what have caused all of this damage? "Yes" or "no,"  
7 sir.

8 A. I don't think I can answer that "yes" or  
9 "no."

10 Q. That's fine.

11 Let me go back to my original question.  
12 Based on your speaking to them, when was the first time  
13 that they ever heard a broadcast or ever heard Mr. Jones  
14 speaking on his show?

15 A. I don't know when they first heard it, but  
16 it was around 2018 that it greatly intensified and it  
17 was then scaring them and very upsetting.

18 MR. REYNAL: Move to strike everything  
19 after "I don't know."

20 THE COURT: I mean it's already in, but  
21 sure, sustained.

22 MR. REYNAL: Thank you.

23 BY MR. REYNAL:

24 Q. Don't you think it would have been important  
25 for you to determine, even based on speaking to them,

1 when it was that they first actually heard  
2 Alex's -- Alex Jones' voice anywhere?

3 A. No.

4 Q. Is it your testimony that that segment in  
5 2017 by Owen Shroyer and the follow-up where Alex  
6 replayed the segment, that that's what has caused, in  
7 your opinion, a quarter of Americans to disbelieve them?

8 A. I don't have the data to say whether that  
9 particular segment was what stirred up a quarter of  
10 America. I think it was probably a range of things.  
11 That -- those statements were particularly painful  
12 because it denied -- it was focused on Neil and it  
13 denied his last experience with his son. And it was  
14 painting him as a liar and he wasn't lying.

15 Q. So, my question was, is it your testimony  
16 that that segment is what caused, in your words, a  
17 quarter of the entire nation to believe that they were  
18 liars?

19 A. I don't have the data on that.

20 Q. Would it surprise you that the supposed  
21 study was published and conducted in 2016, a year before  
22 those statements ever aired?

23 A. Um, wouldn't necessarily surprise me, no.

24 THE COURT: All right, it's noon. We're  
25 going to break for our lunch. We're going to break for

1 an hour and a half.

2 Remember all of my instructions. You are  
3 not yet free to have any conversations about anything  
4 that's happened in the courtroom yet. Let's go ahead  
5 and go to our lunch now.

6

7 *(Noon recess.)*

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1 WEDNESDAY, JULY 29, 2022 - AFTERNOON SESSION

2 *(The following proceedings were held in open*  
3 *court in the presence of the jury)*

4 THE COURT: All right. You may resume.

5 MR. REYNAL: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. REYNAL:

8 Q. Dr. Lubit, did you speak to the plaintiffs'  
9 attorneys over the break?

10 A. Yes.

11 Q. And what did you guys discuss?

12 A. I noticed that there was some things that I  
13 thought we might cover about the impact on the brain,  
14 the body. That was -- I don't remember many other  
15 details.

16 Q. How long was the conversation?

17 A. A few minutes.

18 Q. You testified to the jury earlier that, for  
19 Neil Heslin and Scarlett Lewis, finding out that a  
20 quarter of all Americans believe that they're liars was  
21 tremendously hurtful.

22 A. I don't -- no. I think they probably had  
23 known that earlier. It was when Neil was singled out  
24 and attacked and they found out that there was  
25 increasing amounts of talk about it and people were

1 harassing them that it became very distressful. So,  
2 we're talking about around 2018 is when they told me it  
3 became a really serious problem for them emotionally.

4 Q. Okay. So, as I take it now, what you had  
5 said earlier about how they walk out on the street and  
6 they don't know which person might be somebody who is a  
7 Sandy Hook denier and how that causes them a tremendous  
8 amount of stress because of this -- this poll, that's  
9 not the primary reason of their distress?

10 A. Well, it's not just the poll. I mean,  
11 certainly thinking that many people were deniers adds to  
12 the problem, but the real problem and the tremendous  
13 fear they have is because of threatening calls,  
14 threatening messages, people confronting Neil on the  
15 street, and the intensity of the statements. I think if  
16 it was just that one quarter of Americans didn't believe  
17 it, I don't -- that's not the problem. It's the anger  
18 and the venom and continual attacks.

19 Q. Let me ask you this, was it Alex Jones who  
20 told them that there was a poll that said that a  
21 quarter of Americans didn't believe them, or was it  
22 someone else?

23 A. I think they got -- I don't recall Alex  
24 Jones telling them.

25 Q. Do you think it was something they heard as

1 part of this litigation?

2 A. I don't know when they heard it.

3 Q. You've said that Alex Jones 100 percent  
4 caused these parents mental anguish?

5 A. I -- wait, wait, I don't think I said  
6 100 percent of their mental anguish, every drop of it is  
7 from Alex Jones. What I was saying is that Alex Jones  
8 using his pulpit and oratory pushed the issue and kept  
9 repeating it and in a very attacking way and stirred  
10 people up, and then some of those people have followed  
11 and calls and shoving Neil and made them very  
12 frightened.

13 Q. So, as you sit here today, you're not  
14 expressing an opinion as to what percentage, if any, of  
15 the harassment suffered, if any, by the plaintiffs was  
16 caused by Alex Jones?

17 A. I think Alex Jones drove -- well, the  
18 question before was different than what you're saying  
19 now. Before the question was 100 percent of their  
20 anguish. I'm saying that there are other things that  
21 are painful in life, as well, but that, you know, they  
22 would not be -- they would not have complex PTSD, they  
23 would not be suffering, they would be able to do  
24 positive things in life, enjoy things, sleep okay, enjoy  
25 normal activities and relationships, had it not been for

1 Alex Jones driving many people to see them as these evil  
2 people.

3 Q. And so, your position, then, is that it's  
4 Alex Jones' fault that they suffer mental anguish?

5 A. I think that's an issue for jury and  
6 lawyers, but he is the root cause that there is such a  
7 tremendous -- this goes on and on and that the  
8 statements became so persuasive and that they suffered  
9 character assassination and vilification. If someone  
10 had simply left it at, you know, we're not so sure that  
11 this occurred, they knew that there were deniers early  
12 on, but it was after Alex Jones was pushing it and  
13 intensifying the rhetoric and people then responded that  
14 they became much more fearful.

15 Q. And you would concede that you did not take  
16 the time to substantiate that anybody, in fact,  
17 responded. True?

18 A. That anyone, in fact, responded, I'm --

19 Q. Responded by harassing the parents. You did  
20 not take any steps to corroborate that that actually  
21 occurred; true?

22 A. It can't be answered "yes" or "no."

23 Q. Okay. You know we're on national television  
24 right now?

25 A. Yes.

1 Q. And if somebody watching you testify went  
2 out and did something to Alex Jones, do you think that  
3 you should be held responsible?

4 A. No.

5 Q. You didn't substantiate your sources.

6 A. It's not standard practice for a forensic  
7 psychiatrist to call up the police and see if the  
8 individual is making up what happened. It's standard  
9 practice, and what I write about in my article has a big  
10 section on malingering, is do the pieces fit together,  
11 does the pattern of emotional harm or depression or  
12 trauma, does it fit together, does it make sense or is  
13 it a strange pattern that is doubtful, and is the  
14 problem that they're pointing out, the event or events,  
15 could that cause the symptoms that they're reporting.

16 But, you know, I am not aware of Neil  
17 going and reporting to the police or taking a picture of  
18 everyone who shoved him, so I don't know how it could be  
19 corroborated, you know, in terms of, you know, absolute  
20 proof. But I do accept that it's happened.

21 Q. Let's go back to -- let's go back to an  
22 earlier question I don't think we got fully clarified.  
23 As you sit here today, do you know if Mr. Heslin and  
24 Miss Lewis were ever exposed in the sense that they  
25 actually viewed an Alex Jones broadcast prior to 2017?

1           A.    I don't know if they did before 2017.

2           Q.    Do you have an opinion on what percentage of  
3 the mental anguish that you have described is  
4 attributable to participating in this litigation?

5           A.    I do not know a percentage. I mean, they  
6 were extremely anxious and stressed before, litigation  
7 is stressful no matter what it's about for everyone but  
8 lawyers, and so I don't know what percentage. But they  
9 clearly had serious harm before the litigation.

10          Q.    You never met with them before the  
11 litigation, did you?

12          A.    No.

13          Q.    So, you're testifying to that, just like so  
14 many other things, based on post-litigation  
15 conversations that you had with them?

16          A.    It's not post because litigation is not  
17 over, but I spoke with the therapist who saw both of  
18 them, I listened to what he told me had been happening  
19 and how he was functioning at different points in time,  
20 and it made -- fit reasonable patterns that we know  
21 occur in medicine and that's how it's -- forensic  
22 evaluation is generally done.

23          Q.    Do you know that in -- on Father's Day 2017  
24 Alex Jones issued a video invitation to the Sandy Hook  
25 parents to contact him?

1 A. No, I wasn't aware of that.

2 Q. So, I don't know whether or not they ever  
3 received the message.

4 A. Who received what message?

5 Q. The Sandy Hook parents ever received Alex  
6 Jones' message inviting them to contact him.

7 A. I do not know.

8 Q. If they had heard it and they had contacted  
9 him, do you think that that might have had a positive  
10 impact on their mental health, to have worked through  
11 this with him?

12 A. I do not think so because I don't think that  
13 Alex Jones was going to apologize. He hasn't, to my  
14 knowledge, he hasn't apologized now for what he's done.  
15 He's made multiple false statements, statements that had  
16 little basis, really no basis, in reality, and I think  
17 that that would have -- he would have used that as a  
18 media, from everything that I've seen about him, he  
19 would have used that as another media opportunity. He  
20 would be able to say, I spoke with the parents and from  
21 speaking to them I know.

22 Q. And this knowledge that you have from  
23 Alex Jones comes from watching the videos that we have  
24 in evidence in this case?

25 A. Yes.

1 Q. Earlier you said that Owen Shroyer called  
2 Neil Heslin a liar. Do you recall that testimony?

3 A. He said that it was not possible that Neil  
4 held his son within a day of the tragedy.

5 Q. I'm sorry, that he?

6 A. Did not hold his son after the tragedy,  
7 within one day of the tragedy.

8 Q. Because you know that, in fact, Mr. Heslin  
9 did hold his son the day of the tragedy or that night at  
10 around 1:30 in the morning?

11 A. I wasn't there, I haven't called up the  
12 policemen. That's not really the job of the forensic.  
13 And to get into that level of detail. My first thought,  
14 I was surprised when Mr. Shroyer said that this is, you  
15 know, not possible, because the first thing that came to  
16 my mind was, of course it's possible, at some point he  
17 may have stuck around and somebody may have let him,  
18 even though, you know, people were told that they  
19 couldn't, that somebody may have let him out of pity,  
20 out of compassion.

21 Q. So, your belief when you watched the video  
22 is that Owen Shroyer's comment was directed at whether  
23 or not Mr. Heslin held the body that day or that night?

24 A. Directed at, that was --

25 Q. The gist of it?



1           A.    -- that specific comment, I mean, the  
2   underlying statement was that they're liars.

3           Q.    Now, harassment is a crime, is it not?

4           A.    I believe so.

5           Q.    Stalking is a crime?

6           A.    Yes.

7           Q.    And you would agree with me that it's not  
8   the defense's job to prove that the parents weren't  
9   harassed, is it?

10          A.    We're going into legal issues now which are  
11   not part of psychiatry.

12          Q.    You testified in 200 plus cases, you're  
13   probably pretty familiar with the burden of proof,  
14   aren't you?

15               MR. OGDEN: Your Honor, at this point I'm  
16   going to object to an improper expert opinion.

17               THE COURT: I mean, there are a million  
18   things you could have objected to, and they're all  
19   sustained.

20   BY MR. REYNAL:

21          Q.    You testified that Miss Lewis said that she  
22   had a state-of-the-art surveillance system?

23          A.    She has significant -- well, she has an -- I  
24   don't think state of the art, I don't -- she has a very  
25   significant surveillance system, and her anxiety is such

1 that she won't even use an air conditioner because she  
2 might not hear something.

3 Q. And she's had this surveillance system,  
4 security system, for a number of years?

5 A. A few years. I don't know the exact number.

6 Q. Now, since you took the time to review the  
7 videos, you know that there's less than 24 -- there's  
8 23 hours and 39 minutes of video that InfoWars released  
9 about Sandy Hook over the entire five-year period.  
10 Isn't that true?

11 A. I don't know the number of hours.

12 MR. OGDEN: Your Honor, I'm going to  
13 object.

14 MR. REYNAL: He --

15 THE COURT: Sustained.

16 MR. REYNAL: He testified he reviewed it.

17 THE COURT: No, you asked a question that  
18 assumes facts not in evidence and misrepresents the  
19 testimony that we have had in this case so far.

20 MR. REYNAL: It does not, Your Honor.

21 THE COURT: Excuse me?

22 MR. REYNAL: Shall I move on?

23 THE COURT: You had better.

24 BY MR. REYNAL:

25 Q. You testified you reviewed the videos?

1           A.     No, I saw some of the videos through this  
2 trial and before.

3           Q.     In 2016, did Neil Heslin or Scarlett Lewis  
4 ever tell you that in 2016 the Sandy Hook controversy  
5 was thrust into the public attention again by the  
6 Hillary Clinton campaign?

7           A.     We did discuss that.

8           Q.     Would it have been relevant to you if at the  
9 time that controversy had arisen it had been 16 months  
10 since Mr. Jones had made any kind of a statement about  
11 Sandy Hook?

12                   MR. OGDEN:  Objection, your honor.  It's  
13 misleading.  That's facts not in evidence.

14                   THE COURT:  I'll sustain that.

15 BY MR. REYNAL:

16           Q.     I'm showing you what's been marked as  
17 Plaintiffs' Exhibit 31 in evidence.  And I'm going to  
18 direct you to the second to the last entry on that.

19           A.     Yes.

20           Q.     It says it's for a video entitled "The Fight  
21 For Freedom of Information in Sandy Hook."  Is that  
22 correct?

23           A.     Yes.

24           Q.     And the date on that video is July 8th,  
25 2015?

1 A. Yes.

2 Q. And the next entry states that the title of  
3 the video is "Alex Jones Final Statement on Sandy Hook"?

4 A. Yes.

5 Q. And the date of that video is November 18th,  
6 2016?

7 A. Yes.

8 MR. OGDEN: Your Honor, objection. He's  
9 doing the same thing. He's just trying to use  
10 Exhibit 31 as an exhaustive list knowing that's not all  
11 the videos. It's the only one produced to us or that we  
12 had to find.

13 THE COURT: So the questions so far are  
14 allowed, but I don't know if the next one will be. So I  
15 take your point, Mr. Ogden.

16 BY MR. REYNAL:

17 Q. Do you have any idea how many hours we've  
18 spent in trial discussing Sandy Hook so far?

19 MR. OGDEN: Objection. Relevance.

20 THE COURT: Sustained.

21 BY MR. REYNAL:

22 Q. You testified earlier that you disagreed  
23 with the idea of sticks and stones may break your bones  
24 but words will never hurt you. Would you concede that  
25 sometimes important speech can be viewed as offensive?

1 A. Yes.

2 Q. We briefly touched on the psychiatric  
3 concept of malingering earlier. Do you recall that?

4 A. Yes.

5 Q. Would you agree with the definition of  
6 malingering as the intentional production of false or  
7 grossly exaggerated physical or psychological symptoms  
8 motivated by external incentives?

9 A. Yes.

10 Q. External incentives can be monetary?

11 A. Yes.

12 Q. They can be social?

13 A. Yes.

14 Q. And by social, I mean seeking approval?

15 A. Yes.

16 Q. Seeking fame?

17 A. Yes.

18 Q. Seeking meaning?

19 A. I'm not sure what you mean by seeking  
20 meaning in this context.

21 Q. How about seeking revenge?

22 A. Could be.

23 Q. You stated that you reviewed the depositions  
24 in this case.

25 A. Yes.

1 Q. You reviewed Mr. Heslin's deposition?

2 A. Yes.

3 Q. You saw where he says he has a vendetta  
4 against Mr. Jones?

5 A. Yes.

6 Q. A vendetta is a blood feud; correct?

7 A. I don't know what he meant by the word. I  
8 didn't ask him about that word. And it would be very --  
9 it would be crucial to ask him what he means.

10 Q. Did you ask him what he meant by that word  
11 when you read it in his deposition?

12 A. No, I took it to mean that he was very angry  
13 that Alex Jones had done the things he had done and  
14 caused so much harm to himself and the mother of his  
15 child and also harm to T.J.

16 Q. It's J.T.?

17 A. J.T.

18 Q. You testified earlier that, in the wake of a  
19 tragedy, people often look to find meaning in the  
20 tragedy, in the sorrow, in the loss.

21 A. They seek to do something, create something  
22 that they wouldn't have created without it --

23 Q. And --

24 A. -- so some benefit comes out of what's  
25 basically a horrible thing.

1 Q. And part of that is because nobody likes to  
2 think that something that awful would happen for no  
3 reason at all?

4 A. I don't know if that's necessarily the case,  
5 that it happens for no reason, but they try to  
6 make -- to make something good from it.

7 Q. And would you agree that people sometimes  
8 can be influenced in the causes that they embrace in the  
9 wake of a tragedy?

10 A. It's too vague. I don't understand the  
11 question.

12 Q. Well, is it possible that, in the wake of a  
13 school shooting, that a bereaved parent would take up  
14 the cause of gun control in order to find meaning in the  
15 tragedy that they suffered?

16 A. There are people who have done that after  
17 school shootings.

18 Q. In fact, Mr. Heslin is one of them?

19 A. I don't know -- yes. Yes.

20 Q. And somebody could seek to find meaning in  
21 helping kids deal with emotional issues in school; true?

22 A. Yes.

23 Q. And somebody could also find meaning in  
24 destroying Alex Jones.

25 A. I'm not aware that Alex Jones was anything

1 to them until -- or any significance, even, until the  
2 continued vilification of Scarlett and Neil.

3 MR. REYNAL: Pass the witness.

4 THE COURT: Thank you.

5 MR. OGDEN: Redirect?

6 THE COURT: Yes, Mr. Ogden.

7 MR. OGDEN: Thank you, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. OGDEN:

10 Q. Dr. Lubit, I'm going to ask you a few  
11 questions about the questioning and answer that you  
12 earlier gave Mr. Reynal.

13 First I want to start off with Mr. Reynal  
14 asked you if you were aware whether or not Neil and  
15 Scarlett had reached out to Mr. Jones so they could sit  
16 down and he could be a therapist to them. Do you  
17 remember that?

18 A. I think he -- I thought he said Jones  
19 reached out to them.

20 Q. Correct, and he asked you if they had taken  
21 him up on that. Do you remember that?

22 A. I'm not aware of them taking him up on it.

23 Q. Are you aware that Neil and Scarlett did, in  
24 fact, communicate with Mr. Jones when they served him  
25 with this lawsuit?



1 A. I believe so, yes.

2 Q. Are you aware that, prior to that, they  
3 served him with an offer for him to retract these  
4 statements and correct them and he never did that. Are  
5 you aware of that?

6 A. Yes, I am.

7 Q. Did Alex Jones say, okay, now let's sit down  
8 and talk about it?

9 A. Not that I'm aware of.

10 Q. I want to talk about important speech. How  
11 important is it for someone to lie about the murder of a  
12 bunch of six year olds? How important is that speech?

13 A. Well, it goes beyond not being important.  
14 You, coming back to my page in political science, you  
15 can't have a democracy in which there are lies floating  
16 around and people are telling different truths. You can  
17 have a democracy where people can have different  
18 opinions but not different facts. That tears the place  
19 apart. So it's highly destructive to do that.

20 Q. Similar question, how important is it for an  
21 individual to intentionally inflict emotional distress  
22 on two parents who lost a son for the better part of ten  
23 years? How important is that?

24 A. Well, it's important for the person who does  
25 it because it generally will make them a lot of money if

1 they're on TV, but it's not to the benefit of society in  
2 any way.

3 Q. Were you in the courtroom when Miss Lewis  
4 testified on Friday?

5 A. Yes.

6 Q. Did you hear her testimony when she said  
7 that video about Sandy Hook and the vampires was Alex  
8 Jones' third most read article he had ever published in  
9 the history of this company?

10 A. It was one of the most published, yes. At  
11 the top of the list.

12 Q. Mr. Reynal asked you about how three billion  
13 people saw this content that Mr. Jones was spewing to  
14 the world. When Miss Lewis said that number did she say  
15 three billion people or did she say three billion views?

16 A. Oh, yes, she talked about it very clearly,  
17 three billion, through she didn't know how many  
18 times -- how many different people did it or how many  
19 were re-viewing as opposed to separate individuals. It  
20 is a staggering number either way, but it is -- it's  
21 much more believable if it was three billion views.

22 THE COURT: Is that a new exhibit?

23 MR. OGDEN: Yes, Your Honor.

24 THE COURT: So, a new exhibit would be  
25 119. Plaintiffs' 119. Let me just double check that

1 real quick.

2 BY MR. OGDEN:

3 Q. I'll hand that to you, Dr. Lubit.

4 THE COURT: Yeah. Oh, well actually you  
5 must have numbered some we haven't seen. So, there's --  
6 the last one I have is 126. So 127.

7 MR. OGDEN: Thank you, Your Honor.

8 And is it okay if I sticker it properly?

9 THE COURT: She has stickers.

10 MR. OGDEN: Oh, perfect.

11 BY MR. OGDEN:

12 Q. Dr. Lubit, I've just handed you a copy of  
13 what's marked as Plaintiffs' Exhibit 126.

14 THE COURT: 127.

15 MR. OGDEN: 127. I'm sorry, Your Honor.

16 THE COURT: That's all right.

17 BY MR. OGDEN:

18 Q. What is Exhibit 127? Without telling us the  
19 contents of the document.

20 A. Affidavit of Neil Heslin.

21 Q. And prior to your testimony today had you  
22 reviewed that document?

23 A. I don't specifically recall it. I may have,  
24 I may not have. I'm not sure.

25 Q. Take a moment and read what's in it to see

1 if that refreshes your recollection on whether or not  
2 you have seen it.

3 A. (Witness complies).

4 I have seen this before.

5 Q. Okay. And is it part of the materials that  
6 you relied on in coming to the opinions you provided  
7 earlier today?

8 A. Yes.

9 MR. OGDEN: Your Honor, Plaintiffs offer  
10 127 into evidence.

11 THE COURT: Any objection?

12 MR. REYNAL: Hearsay, Your Honor.

13 THE COURT: Do you have a copy for me?

14 MR. OGDEN: Yes, Your Honor.

15 May I approach?

16 THE COURT: Yes.

17 I'm a little confused.

18 MR. OGDEN: If I may respond to the  
19 objection, your honor.

20 THE COURT: Yes.

21 MR. OGDEN: Under 703 an expert may rely  
22 on hearsay or other inadmissible evidence and it can be  
23 disclosed to the jury if the probative value or if the  
24 unfair prejudice is not outweighed by the probative  
25 value. There's zero unfair prejudice with this

1 document, Your Honor.

2 THE COURT: So, he certainly can rely on  
3 it, no doubt. Can talk about it. But I don't know  
4 about it coming into evidence as a standalone document.  
5 So, where do you think that's in the rules?

6 MR. OGDEN: Your Honor, instead of  
7 admitting it I can withdraw my admission and we can just  
8 disclose -- we can put it up on the screen and go  
9 through without actually admitting it.

10 THE COURT: Well, he can talk about it.

11 MR. OGDEN: Okay.

12 THE COURT: He can talk about everything  
13 in it if he relied on it as part of developing his  
14 expert opinion.

15 MR. OGDEN: Sure.

16 THE COURT: But you can't show it to the  
17 jury unless it's admitted.

18 MR. OGDEN: Okay.

19 THE COURT: But, yeah, he can absolutely  
20 talk about -- he can talk about the whole thing.

21 BY MR. OGDEN:

22 Q. Dr. Lubit, when you were answering questions  
23 earlier you were asked about timelines and if anything  
24 had been seen before 2018. Now that you've reviewed  
25 this document, exhibit -- or excuse me, what was marked

1 as 127, can you tell me what number four, can you read  
2 number four and tell us how that affected the fact that  
3 Mr. Heslin had seen and was aware of this context and  
4 the hoax prior to 2018?

5 A. He was avoiding it. He did not want to get  
6 drawn in. And it's notable to me that he didn't  
7 approach Megyn Kelly, Megyn Kelly approached him.

8 Q. To avoid getting drawn into a hoax, do you  
9 have to know it exists?

10 A. Yes.

11 Q. How long or was there a long period of time  
12 that Mr. Heslin proactively sought to avoid getting  
13 pulled into the hoax in these conspiracies?

14 A. Yes, yes.

15 Q. Are we talking days, months, or years?

16 A. Years, until he finally spoke -- he agreed  
17 to go on Megyn Kelly and after asked, in 2017, roughly  
18 five years after, to hopefully stop, you know, the lies  
19 and, you know, hoping it would stop things. Instead,  
20 the opposite happened.

21 Q. I want to go up to Section 2.

22 After reviewing Section 2, are you aware  
23 that Mr. Heslin was aware that the hoax that he was  
24 avoiding was being spread by Alex Jones?

25 A. Yes.

1 Q. And when did the hoax start, when did  
2 Mr. Jones start this hoax?

3 A. My recollection is this was very shortly  
4 after, days.

5 Q. Mr. Reynal was asking you questions about  
6 2018, saying they never saw anything before, they didn't  
7 know anything about Alex Jones. Do you remember that?

8 A. I don't specifically recall him saying that,  
9 but they did know about him before.

10 Q. Why would Mr. Heslin go on a Megyn Kelly  
11 show to refute Mr. Jones' claims in 2017 if he didn't  
12 know any of those hoax claims existed until a year  
13 later?

14 A. That wouldn't make any sense. Well, unless  
15 Megyn Kelly had called him up and told him, but he knew  
16 before and he probably wouldn't have gone on unless he  
17 knew there was a real problem.

18 Q. When someone lies about you, do you have to  
19 physically hear that person say it for it to harm you?

20 A. Oh, of course not. However you hear it, you  
21 get it secondhand from people, that's even worse in some  
22 ways. You know, if someone lies to your face about you  
23 it's painful, it hurts. But if you hear that someone is  
24 passing around rumors about you and so that many people  
25 are now thinking this, that's worse.

1 Q. Did Mr. Heslin or Miss Lewis have to watch  
2 an Alex Jones Show and hear the lies for them to be  
3 harmed?

4 A. No, not at all. Again, if you know the  
5 rumor is being passed around, it's worse than just one  
6 person saying something.

7 Q. Would you say it's even more worse when  
8 they're not rumors but people are physically  
9 encountering you?

10 A. Of course.

11 Q. And harassing you about those messages?

12 A. Of course, yes.

13 Q. Corroboration was talked about a lot. Do  
14 you remember that?

15 A. Yes.

16 Q. You spoke with Mr. Crouch; correct?

17 A. Yes.

18 Q. He's right here in the courtroom, he's  
19 coming up next; right?

20 A. Yes.

21 Q. We're not going to hide him.

22 A. Correct.

23 Q. Everything that Mr. Heslin and Miss Lewis  
24 communicated to you, did you then go and corroborate it  
25 with somebody that documented it as it was happening?



1           A.     Yes, I did do just that with Mr. Crouch.  
2     And I saw a number of tapes myself of what Mr. Jones was  
3     saying.

4           Q.     The other -- the last area I have is  
5     in -- you testified in cases before and sometimes are  
6     there other experts that represent the party that didn't  
7     hire you?

8           A.     Almost all the time. I don't know if I can  
9     even think of a case where there wasn't an expert hired  
10    by the other side.

11          Q.     And when that happens, you review their  
12    materials and their testimony so that you can compare  
13    what yours looks like; right?

14          A.     Yes.

15          Q.     Are you aware of any expert whatsoever that  
16    represent or that was hired by the defense that's going  
17    to testify in this case?

18               MR. REYNAL: Your Honor, I object to this  
19    line of questioning. Mr. Ogden knows very well why  
20    that's the case, and it has nothing to do with this  
21    witness.

22               MR. OGDEN: If I may respond, Your Honor.

23               THE COURT: Briefly.

24               MR. OGDEN: I'm not sure how his conduct  
25    can be rewarded by me not getting to ask these questions

1 that are admissible otherwise. I don't see how you can  
2 get rewarded for that.

3 MR. REYNAL: It's not part of his expert  
4 testimony, what usually happens in cases.

5 THE COURT: All right. I'm going to  
6 overrule the objection. I don't want to spend forever  
7 on it, but you can answer the question.

8 BY MR. OGDEN:

9 Q. To your knowledge, does Mr. Jones or his  
10 company, are they bringing an expert in --

11 A. No.

12 Q. -- in mental health whatsoever?

13 A. I would have, hopefully, been given a report  
14 by them if they were testifying. If someone had done a  
15 report.

16 MR. OGDEN: Thank you, Dr. Lubit. I don't  
17 have any questions.

18 THE COURT: Mr. Reynal?

19 MR. REYNAL: Nothing further, Your Honor.

20 THE COURT: All right. At this time for  
21 my jury, you know the drill, remember as always all of  
22 my instructions, this is an individual exercise, you're  
23 not encouraged, you're just permitted, and we'll take --  
24 let's keep it a short break because we've only been back  
25 40 minutes.

1 All right, you can go ahead and head back  
2 now. Thank you.

3 *(Whereupon the jury exited the courtroom and*  
4 *the following proceedings were held in open court)*

5 THE COURT: Put it on the record.

6 MR. REYNAL: Well, I would move now for a  
7 mistrial under CPRC 41.011, Your Honor.

8 THE COURT: Okay. That's denied.

9 MR. REYNAL: Thank you.

10 MR. BANKSTON: And then I have something  
11 very briefly to raise with You Honor.

12 THE COURT: Okay.

13 MR. BANKSTON: I would like that raise an  
14 objection right now for whatever Your Honor wants to do  
15 about it, I am not moving for a mistrial, but I am very  
16 concerned about a series of things that have just  
17 happened and I want to make sure that everybody in the  
18 room is on the same page.

19 Mr. Reynal had told the jury that there  
20 was 29 minutes total of InfoWars videos. They played  
21 51 minutes in a single video, so we know that's not  
22 true. He tried to tell the jury about Miss Lewis's  
23 testimony about three million -- three billion page  
24 views, that she had testified there was three billion  
25 individuals, which she explicitly said was not -- could

1 not be determined, and, in fact, were people returning  
2 multiple times, attempting to mislead the witness into  
3 thinking that's what she was saying.

4 He has routinely, every single day of this  
5 trial, broken rules that a first-year lawyer knows. He  
6 has routinely placed inadmissible material in front of  
7 the jury. It is, from our perspective at this table,  
8 that Mr. Reynal is actively trying for a mistrial and  
9 obviously we don't want that to happen.

10 We would hope that at this point we could  
11 have Mr. Reynal instructed to please follow the rules  
12 which we all know he very well knows and to not attempt  
13 to sabotage what has happened to those plaintiffs.  
14 Otherwise, I want this on the record, why I'm bringing  
15 it to you now, because we will be bringing it to show  
16 motions for sanctions if this conduct continues.

17 THE COURT: All right. I am very upset  
18 that you have tried to imply to the jury that we know  
19 how many videos about Sandy Hook were released by your  
20 clients when we don't, because they refused to respond  
21 to discovery. So, I do not want you to do that again.  
22 And I don't want you to argue with me about it. That is  
23 the rule of this case, that is the -- that's it. They  
24 didn't respond, we don't know. So, don't couch it in  
25 that language.

1 MR. REYNAL: Your Honor? If I may.

2 THE COURT: I'm still talking.

3 I'm not really being asked to do anything  
4 except to tell you to follow the rules, which I feel  
5 like I've done many times already. We've had multiple  
6 conversations about how I know you know what the rules  
7 are and you know you know what the rules are. But  
8 you've chosen not to follow them on occasion and I'm  
9 asking you again, follow the rules.

10 We are not going to take up sanctions in  
11 the middle of this trial. So, if somebody wants to file  
12 a motion for sanctions, we'll take it up at the  
13 conclusion of the trial. If I believe actions in front  
14 of me rise to the level of contempt of Court, I will  
15 deal with that when it happens. Had I been in the room  
16 the day there was the altercation, we would be in that  
17 situation, but I was not.

18 MR. REYNAL: Your Honor, the jury  
19 instructions that you just distributed said that the  
20 jury has to base its decision on the evidence adduced in  
21 the courtroom. Frankly, the number of videos, their  
22 length, this is evidence that is being adduced in the  
23 courtroom.

24 THE COURT: Yes, but what you said was  
25 not, we've shown the jury 29 minutes of clips where the

1 word "Sandy Hook" appears, or anything like that. It  
2 was, they released in total 29 minutes. That is not  
3 true.

4 MR. REYNAL: Okay. I can change the  
5 questioning, Your Honor.

6 THE COURT: So, don't -- well, I'm not  
7 going to tell you what question to ask, that is  
8 definitely not my job. But I'm telling you what  
9 question not to ask.

10 MR. REYNAL: Very well.

11 THE COURT: Anything else?

12 MR. BANKSTON: Not from our side, Your  
13 Honor.

14 THE COURT: All right.

15 *(Brief recess.)*

16 *(Discussion between court and counsel off the*  
17 *record.)*

18 THE COURT: We've just been discussing the  
19 questions for Dr. Lubit, we've reached an agreement on  
20 which ones we're going to ask and which ones we're not.

21 Any further objections, Mr. Ogden?

22 MR. OGDEN: No, Your Honor.

23 THE COURT: Mr. Reynal.

24 MR. REYNAL: No, Your Honor.

25 THE COURT: Okay. We are ready for the

1 jury and the witness.

2 *(The following proceedings were held in*  
3 *open court in the presence of the jury.)*

4 Dr. Lubit I'm going to read you some  
5 questions that have been submitted by the jury. You  
6 just answer them as if they came from one of the  
7 lawyers, just listen really hard to the question, answer  
8 the question as best you understand or let us know if  
9 you don't.

10 This is for the jury: Remember, if you  
11 don't hear your question that's because I made a  
12 decision that there was a reason why I couldn't read it.  
13 Okay?

14 Are you ready?

15 THE WITNESS: Yes, Your Honor.

16 EXAMINATION

17 THE COURT: How many years have you been  
18 treating Mr. Heslin and Miss Lewis?

19 THE WITNESS: I have never treated  
20 Miss Lewis or Mr. Heslin. I did a forensic evaluation  
21 and there's no doctor-patient relationship. And I will  
22 not be treating them again, I won't be interviewing them  
23 at any other time.

24 THE COURT: To your knowledge, did  
25 Mr. Heslin or Miss Lewis feel as though a quarter of the

1 population distrusted them?

2 THE WITNESS: I believe so, that there  
3 was, especially Neil talked about just how many people  
4 out there, you know, he would never know and people  
5 would come up to him, and also Scarlett withdrew from  
6 people, not knowing even among her friends what people  
7 thought anymore or who, she had people over who might be  
8 part of that, would be feeling that she was a fake and a  
9 fraud, too.

10 THE COURT: Have Mr. Heslin and Miss Lewis  
11 discussed what good they would like to do or come from  
12 the tragedy at Sandy Hook?

13 THE WITNESS: Scarlett has talked, there's  
14 her foundation, Choose Love, and trying to develop  
15 social-emotional learning programs in schools and to  
16 help children so that there isn't another Sandy Hook.  
17 Both of them have talked about the tremendous harm that  
18 this -- the type of behavior that Mr. Jones has engaged  
19 in does to people and hope that, you know, their  
20 succeeding in the trial will dissuade people in the  
21 future.

22 There's also the issue of their son's  
23 legacy and wanting that to be clear, and for them to be  
24 able to try to put some closure on this period in which  
25 they were invalidated and vilified and so many people



1 were made to believe that they were bad people who lied  
2 and did bad things.

3 THE COURT: What are the signs that a  
4 person might be malingering?

5 THE WITNESS: That's something I write  
6 about. What we do as psychiatrists, psychologist, too,  
7 is to look at the pattern of the problem. So, we look  
8 at, you know, what was the cause of the emotional  
9 trauma, does it make sense that this cause could lead to  
10 a lot of symptoms, does the pattern of symptoms make  
11 sense.

12 So, and often people give strange  
13 patterns, or they repeat over and over again just how  
14 terrible it was for them. No matter what question you  
15 ask, they just jump back and say how terrible it was.  
16 They -- pushing the idea too much.

17 There's talking to people at different  
18 times, which is something I did hear, and seeing if  
19 people give the same answers. It's -- if someone is  
20 telling the truth they probably -- they're going to say  
21 the same thing or almost the same thing at two different  
22 points in time. You separate the interviews out,  
23 they're likely not going to remember what they said,  
24 they're not taking notes on my questions, and then a few  
25 months later they're going to say something different

1 very likely. So, all those things are looked at.

2 I looked at their emotions when speaking  
3 to me and is it consistent.

4 One situation, a girl was claiming that  
5 she had been sexually abused and she was completely  
6 comfortable in the way she looked and I asked her, how  
7 you feeling? She's, oh, I'm fine. For a 12-,  
8 13-year-old girl to be telling a male stranger that she  
9 had been raped is unlikely, and so that raised serious  
10 questions for me whether it had actually happened.

11 Sorry.

12 THE COURT: That's all right. Is  
13 everything okay?

14 THE WITNESS: No, that was my phone, fell  
15 out of my pocket.

16 THE COURT: All right. You can pick it  
17 up.

18 THE WITNESS: No, at the end or it will  
19 fall down again.

20 THE COURT: All right. If the statements  
21 from InfoWars stopped today, how long do you think it  
22 would take for the healing to occur?

23 THE WITNESS: I think it's going to -- it  
24 takes more than just the statements to stop. When we've  
25 been -- when people are injured, we think about our own

1 feelings, responses to things. If someone stops doing  
2 something bad to us, hurtful to us, that's usually not  
3 enough. We need vindication, we need statements that  
4 this should not have happened, the person should not  
5 have done it and it was bad thing that they did to us,  
6 and that would help the healing.

7 Are they ever going to fully heal? I  
8 don't think so. This is a really traumatic situation.  
9 You know, I used the word "complex trauma" before, when  
10 traumas are repeated incidents instead of just one. And  
11 complex trauma, particularly damaging is to be able to  
12 trust people in general, and that's very disruptive to  
13 relationships, to everything. And complex trauma is  
14 much harder to heal than single-incident trauma.

15 THE COURT: Is it possible that forensic  
16 psychologists, academic researchers, news editors, et  
17 al., are able to set aside their own potential bias in  
18 their search for the truth in the same way that this  
19 jury is asked to?

20 THE WITNESS: We have to be careful about  
21 it. I've written an article just on, oh, one focused on  
22 bias, I addressed it again in the article I'm writing  
23 now. And it's important, very important, to do one's  
24 best to do that. And it depends what we're talking  
25 about.

1                   When I -- when I'm basically asked general  
2                   questions and I'm quoting myself from things that I've  
3                   written in, you know, before I got involved, I think  
4                   that's fairly unbiased. It's not in any way based on  
5                   the trial. I don't think it's biased for me to say that  
6                   they have posttraumatic stress disorder, because they --  
7                   there is a list of specific symptoms and they have  
8                   enough symptoms, they meet the criteria.

9                   I have seen people, you know, ignore data  
10                  or spin data heavily. I try very hard never to do that.  
11                  You can really minimize the risk of bias if you present  
12                  to yourself competing hypotheses about what happened and  
13                  then you look and see how the data fit each. And I try  
14                  to do that in every case, rather than looking for data  
15                  that just supports what your gut instinct says is true.

16                 THE COURT: In your opinion, why would it  
17                  be more important for a news organization to verify its  
18                  claims and conduct investigations than a forensic  
19                  psychologist?

20                 THE WITNESS: It's simply not -- it's not  
21                  practical. It takes -- it would take a huge number of  
22                  man hours to go back and check on each fact. And you  
23                  have people on each side of the case and if the facts as  
24                  you believe them are not correct, they are the ones to  
25                  be doing the research and saying, wait a minute.

1 But, so, we do our best to look at  
2 different reports we have, such again Mr. Crouch, who  
3 lived this all the way along, myself interviewing him on  
4 multiple occasions, the -- his emotions and the trauma  
5 and the symptoms they have fitting together, and those  
6 pieces are what we use in forensic psychiatry is showing  
7 that -- that we feel that the person is more likely  
8 credible than not.

9 And all the pieces fit well together.  
10 Everything that I do as a forensic psychiatrist  
11 indicates to me that I'm being told the truth. And I  
12 often felt that I wasn't being told the truth, but in  
13 this case I do.

14 THE COURT: All right. Thank you so much,  
15 Dr. Lubit, for your time and your testimony. At this  
16 time you're free to return to whatever it is you need to  
17 be doing, whether that's in here or somewhere else.

18 Don't forget your phone.

19 All right. And who is our next witness?

20 MR. FARRAR: Plaintiffs call Michael  
21 Crouch.

22 THE COURT: All right, Mr. Crouch, come up  
23 here please.

24 Will you raise your right hand.

25 Do you solemnly swear or affirm under

1 penalty of perjury that the testimony you are about to  
2 give shall be the truth, the whole truth, and nothing  
3 but the truth?

4 THE WITNESS: I do.

5 THE COURT: Thank you so much. Come have  
6 a seat here.

7 You'll see there's water and glasses. And  
8 microphones.

9 THE WITNESS: Thank you.

10 THE COURT: I can't tell if you also are a  
11 little bit soft spoken. If you are, you'll have to just  
12 scoot the chair up a little bit closer.

13 Did you hear my instructions about letting  
14 the attorney completely finish their question and all of  
15 that?

16 THE WITNESS: I do.

17 THE COURT: All right. Then I'll try, I  
18 tend to repeat it every single time, but we'll give you  
19 a chance, we'll see how it goes.

20 THE WITNESS: Okay.

21 THE COURT: Thank you.

22 Go ahead.

23 MICHAEL CROUCH,

24 Having been duly sworn, testified as follows:

25 ///

## 1 DIRECT EXAMINATION

2 BY MR. FARRAR:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Can you introduce yourself, please.

6 A. Yeah, Michael Crouch.

7 Q. How are you doing, sir?

8 A. I'm okay. I'm a little nervous.

9 Q. You've never testified, or I guess once  
10 maybe, a long time ago?

11 A. Maybe 25-plus years.

12 Q. That's the only other time you had ever  
13 taken the witness stand?

14 A. That's right.

15 Q. Tell me what you do for a living.

16 A. I'm a psychotherapist.

17 Q. What's a psychotherapist?

18 A. So, I work with patients and couples who  
19 struggle with depression, anxiety disorders, trauma,  
20 that kind of stuff.

21 Q. Where do you live?

22 A. I live in Norwalk, Connecticut.

23 Q. How long have you been a psychotherapist?

24 A. 31 years.

25 Q. Is that something you get licensed for?

1           A.    It is.  I have an -- I am licensed in the  
2   state of Connecticut.

3           Q.    Can you walk me through the education that's  
4   required to be a psychotherapist.

5           A.    Yeah,  I have an undergraduate in psychology  
6   and then I graduated with a masters in social work from  
7   Columbia University in 1991.

8           Q.    You and I have had opportunity to spend a  
9   little time together this weekend and talk about some of  
10   the care that you had of Neil and Scarlett; right?

11          A.    Yes.

12          Q.    All right.  So, I know a few things about  
13   you, but there was gap between undergrad and when you  
14   went to Columbia.  Tell us about that.

15          A.    My first career, which brought me from  
16   Kansas to New York City, was I have about 15, 16 years  
17   in theater, musical theater.

18          Q.    You were working on trying to become that  
19   star?

20          A.    I was.

21          Q.    All right.

22          A.    When I realized that wasn't going to happen,  
23   I moved on.

24          Q.    Started taking care of people.

25          A.    I did.  And they're both listening



1 businesses, you know.

2 Q. I'll just get this out of the way, we're  
3 not -- well, let me tell you, we're compensating you for  
4 your time; right?

5 A. We are. Yes, you are.

6 Q. And if I remember right, it's just whatever  
7 amount that you would -- you're here out from a day's  
8 practice that you had; right?

9 A. That's correct.

10 Q. So you didn't charge me for even being here  
11 this weekend, even though you were here this weekend?

12 A. No, I did not.

13 Q. All right. It's important for you to be  
14 here, for you; right?

15 A. It's really important for me to be here.  
16 It's part of my work.

17 Q. Part of your care.

18 A. Yes.

19 Q. There's something we were talking about  
20 called the Trauma Recovery Network. Can you tell the  
21 Ladies and Gentlemen of the Jury what that is.

22 A. Yeah, back in 2011 there was a Christmas day  
23 fire in Stamford, Connecticut, where 70 firefighters  
24 were involved both in the rescue operation attempts and  
25 the recovery operation. And there were three children

1 who died and their grandparents.

2 Q. This was a house fire?

3 A. This was a house fire.

4 Q. Do you remember what happened?

5 A. From what I was told that there were -- they  
6 had a fire in the fireplace and one of the twins, there  
7 were twin daughters who were such and then a  
8 nine-year-old daughter, said, Santa Claus won't be able  
9 to get down the chimney. So, the boyfriend who --  
10 cleared out the fireplace of all of the ashes and put  
11 them in the breezeway outside. And that breezeway  
12 caught fire.

13 Q. How did you get involved in that?

14 A. That -- on Christmas day there was a mixup  
15 in the EAP with the city of Stamford.

16 Q. EAP?

17 A. Employee Assistance Program.

18 Q. Okay.

19 A. And so, there was no response. And the --  
20 my understanding is that the mental health -- other  
21 mental health providers said, we don't come out on  
22 weekends or holidays, so.

23 Q. When you say no response, you mean no  
24 response by mental health professionals?

25 A. That's correct.

1 Q. Okay.

2 A. And there were 70 firefighters involved in  
3 that fire who needed some help, who were struggling with  
4 that. Now, the loss of a child is always difficult.

5 Q. For the first responders to see even?

6 A. Yes.

7 Q. So, and I just want to make sure we're  
8 clear, you were called out to talk with the 70  
9 firefighters that had to deal with either trying to  
10 fight the fire or, when you say recovery efforts, for  
11 the bodies?

12 A. Recover both the children and their  
13 grandparents, that's right.

14 Q. At this time there was no Trauma Recovery  
15 Network in Connecticut; is that right?

16 A. That's correct. There were only three at  
17 that time, New York City, Western Massachusetts, and  
18 Arizona.

19 Q. So, how did this 2011 Christmas fire at  
20 Stamford become a Trauma Recovery Network?

21 A. I got a call from a therapist who said,  
22 Michael, did you hear what happened? And I said, no.  
23 And her husband was a captain on the fire department and  
24 she said, there was a Christmas fire and there's no  
25 mental health coverage.

1                   So, I went the next day, which was Monday  
2 I think, to talk to the assistant chief and find out  
3 what they were going to do. And they were going to have  
4 a debriefing the next day, and so I called three  
5 therapists that I knew, EMDR therapists that I knew --  
6 EMDR, Eye Movement Desensitization Reprocessing, been  
7 around since late 80s.

8                   Q.     Okay.

9                   A.     Okay. So I called three and all three of  
10 them said yes, and they were there the next day during  
11 the debriefing. And then, Karen Alter-Reid, who is one  
12 of the cofounders of the Trauma Recovery Network, said,  
13 you should started a TRN. So I did.

14                  Q.     All right.

15                  A.     Not knowing what I was getting into.

16                  Q.     And have you been involved in that TRN since  
17 that late 2011?

18                  A.     Yes.

19                  Q.     Did you and your team help treat those  
20 firefighters, what they were going through?

21                  A.     Yes, we did. And we were -- Stamford Fire  
22 TRN, and then Newtown happened a year later.

23                  Q.     All right. So, a year later this TRN, this  
24 Trauma Recovery Network, is already set up and in place;  
25 right?

1 A. That's correct.

2 Q. How does it get involved with what happened  
3 at the Sandy Hook Elementary School?

4 A. We went the next day, which I believe was  
5 Saturday morning, just to talk to the psychotherapists  
6 in the Newtown area about what they were going through.

7 Q. When you say we, how big had your team  
8 gotten at that time?

9 A. At that time there were only ten of us.

10 Q. Okay. Some full time, some part time?

11 A. All were full time at that time.

12 Q. So, just correct me if I'm wrong, it wasn't  
13 that you just treated folks whenever there was some  
14 major event, but even just officers on sort of their  
15 day-to-day, had a tough day with some traffic stops,  
16 things like that?

17 A. Yeah. Any time there are duty-induced  
18 issues or family issues or they're struggling with  
19 depression, anxiety, they can call us.

20 Q. So, you're helping the first responders cope  
21 with what they do.

22 A. With what they do, that's correct.

23 Q. I know you treated Neil and Scarlett, we're  
24 going to get to that in one second. But just your other  
25 work at Sandy Hook, how many folks did your TRN treat

1 for mental health problems that they had from that?

2 A. Oh, my guess is between two and 250.

3 Q. You treated a handful yourself.

4 A. I sure did. Both individually I treated  
5 about six and then a number of groups and things like  
6 that that we were involved in.

7 Q. And I think you told me that's how Neil  
8 Heslin ended up finding you; right?

9 A. That's correct.

10 Q. When did you first start treating Neil  
11 Heslin?

12 A. In July of 2013.

13 Q. So about such, such and a half months after  
14 Sandy Hook?

15 A. Uh-huh.

16 Q. Are you still treating him?

17 A. I am.

18 Q. Okay. So, he's been your patient ever  
19 sense; right?

20 A. That's correct.

21 Q. We're going to talk about Scarlett, too.  
22 Scarlett didn't start with you back in 2013; right?

23 A. No. She had been through a number of  
24 different therapists and came to me, I think at Neil's  
25 suggestion, around 2020.

1 Q. And you're not still treating Scarlett; is  
2 that right?

3 A. I'm not.

4 Q. Do you know how many times you treated  
5 Scarlett?

6 A. I saw her about ten times.

7 Q. Was this during -- so, 2020, is this during  
8 the pandemic, so your treatment is Zoom?

9 A. That's correct. I use a platform called  
10 Simple Practice.

11 Q. Okay.

12 A. Because it's HIPAA compliant.

13 Q. Fair enough.

14 But you never got a chance to really sit  
15 down and be in the same room and connect with Scarlett?

16 A. No, I did not.

17 Q. This is probably a silly question, you keep  
18 notes of your sessions; right?

19 A. I do.

20 Q. Okay. And as part of your sort of weekend  
21 assignment, did you look at those notes and try to  
22 refresh your recollection?

23 A. I did, yes.

24 Q. You also looked at the affidavit of Neil  
25 Heslin that we talked about with Dr. Lubit; is that

1 right?

2 A. I did.

3 Q. When you looked at your notes of your -- is  
4 it sessions or treatments? What is the right word?

5 A. Whatever. Sessions is good.

6 Q. Sessions, okay.

7 Let's talk about Mr. Heslin first, then  
8 we'll move to Scarlett, if that's okay.

9 When you look back at your notes of  
10 Mr. Heslin, when is the first time you saw, in your  
11 notes, some issue about either Alex Jones or people  
12 profiting off of what happened at Sandy Hook?

13 A. Way back in 2013, when I first started with  
14 Neil he said that there are a number of people who are  
15 profiting off of what happened at his son's school, and  
16 then he went on to say there are a number of people who  
17 are profiting off the loss of children.

18 Q. All right.

19 A. That was in 2013.

20 Q. When is the first time that -- I guess let  
21 me ask you this, did that intensify as the years went  
22 along?

23 A. A little bit, in that he was certainly  
24 scared a little bit of what was going on. He was  
25 dedicated to the memory of his son, so he -- and he --



1 he worked on gun control and mental health issues to  
2 honor his son Jesse.

3 Q. Did you see where Mr. Heslin had said that  
4 he was trying to distance himself from that hoax  
5 controversy for the first several years?

6 A. For the first several years he said, I don't  
7 want to dignify, and that was the first time he used  
8 Mr. Jones' name, Alex Jones, he said, I don't want to  
9 dignify his false claims.

10 Q. The hoax?

11 A. The hoax, that's correct.

12 So that was in -- again in 2013 he said  
13 that.

14 Q. Okay. Did it intensify in early 2018, in  
15 the April timeframe?

16 A. Yes. Actually, that was the first time that  
17 he realized, because he spoke to Mr. Pozner and he  
18 said -- Mr. Pozner said, Neil, they are using your name,  
19 back in 2017 when he went on Megyn Kelly.

20 Q. After the first time you saw the words,  
21 actually the words "Alex Jones" in your notes, what  
22 percentage of your notes thereafter have the words "Alex  
23 Jones" in them --

24 A. 90 percent.

25 Q. It became an obsession.

1 A. Yes.

2 Q. I'm going to talk to you, I'm going to try  
3 to separate sort of two parts of time. I want to talk  
4 to you about before the 2018 when Alex Jones is real  
5 intense and then after it; okay?

6 A. Uh-huh.

7 Q. So, let's talk about before. And I know you  
8 started treating him such months, just walk me through,  
9 how is he doing as the years go by?

10 A. Well, I think, you know, whenever we lose a  
11 child it's not easy. Ever. But you could see the  
12 narrative changing. When it first happened there was  
13 kind of scattershot. That's trauma.

14 Q. What do you mean by scattershot?

15 A. Meaning that he remembered all of the bad  
16 things that had happened.

17 Q. Okay.

18 A. You know, and that he was not able to  
19 protect his son.

20 Q. How was things like, you know, in the first  
21 six, eight months you treated him, his sleep?

22 A. Sleep was better then. It was right after  
23 the murder, but he's -- he was only getting two to  
24 four hours of sleep a night.

25 Q. As the years start going, do you start

1 seeing improvements in Mr. Heslin? Does he get better?

2 A. I did.

3 Q. Oh, I've heard --

4 THE COURT: Can you speak up a little bit,  
5 Mr. Farrar? I'm sorry, you're kind of quiet. I'm  
6 having a hard time hearing your questions.

7 BY MR. FARRAR:

8 Q. I think I heard Dr. Lubit say that you never  
9 get over the loss of a child. Do you agree with that?

10 A. I absolutely agree with that.

11 Q. Do you get better?

12 A. You can find a place to put that loss.

13 Q. Was he doing that? Was he getting better?

14 A. He was getting better in that he was  
15 beginning to remember all the things that he did with  
16 Jesse, and all the -- all the things that -- that  
17 brought joy to him.

18 Q. He was starting to have positive memories of  
19 Jesse; is that right?

20 A. That's correct.

21 Q. Before, you know, right after the murder,  
22 were the feelings much more negative and just always  
23 remembering the murder as opposed to --

24 A. Well, remembering the murder, remembering  
25 the fact that he, in fact, dropped off his son and that

1 he didn't -- he believed he didn't do enough to protect  
2 him.

3 Q. Did he start finding enjoyment in life  
4 again?

5 A. Boy, oh, boy, that's a tough one. He found,  
6 yes, he was able to find a way to return to work, he was  
7 able to find a way -- he was sleeping a little better,  
8 he was able to find a way to remember, have positive  
9 memories of Jesse and his relationship with him.

10 Q. Is that clinically significant, to find --  
11 to start having these positive memories of your son?

12 A. Yes --

13 Q. Explain that.

14 A. -- it is.

15 Well, in EMDR we talk about how  
16 distressing is that memory, how distressing is what you  
17 remember about your son and how he died. And at that  
18 time it was from 0 to 10, you know, it was a 22. It was  
19 hard for him. And it -- you could see it decreasing  
20 maybe to an 8, a 7. So he was beginning to have  
21 positive memories, beginning to return to work, sleeping  
22 two to four hours, which is a little better. So those  
23 are things that would be significant.

24 Q. The healing process is underway; is that  
25 fair to say?

1 A. That is fair to say.

2 Q. When you first see the Alex Jones name in  
3 2018, tell me what happens differently to Mr. Heslin.

4 A. When you talk about obsession, you could see  
5 that all of a sudden there was a closing down. There  
6 was a focus on, I've got to protect my son's legacy, my  
7 son's honor, my son's memory.

8 Q. How is he doing that?

9 A. Well, he went on Megyn Kelly in 2017 and  
10 said, please stop.

11 Q. In your professional opinion, why did he go  
12 on Megyn Kelly?

13 A. He was hoping that, if he begged and  
14 pleaded, that Alex Jones would stop.

15 Q. Do you remember what his message to Alex  
16 Jones was at the end of that?

17 A. Yeah. He said, you have -- you have a  
18 family. You have a son, or children. Enjoy Father's  
19 Day. He said, I can't. I don't have a son anymore, so  
20 I can't enjoy Father's Day. But I want you to enjoy  
21 Father's Day.

22 Q. He is compassionate.

23 A. Very. Both -- both Alex -- I'm sorry, both  
24 Neil Heslin and Scarlett Lewis are very good people,  
25 compassionate people.

1           Q.    The, enjoy Father's Day because I can't, do  
2   you understand that to be his message to Alex Jones that  
3   my son Jesse was real?

4           A.    Yeah.  And he was.

5                    You know, it's technicality, he held Jesse  
6   I think at 1:00 o'clock in the morning the day of the  
7   shooting.  You know, the shooting is, what, between 9:04  
8   and 10:00 o'clock.  So, he held his son because he asked  
9   a law enforcement officer, please let me in to see my  
10   son, and the law enforcement officer allowed him to do  
11   that.

12          Q.    After he talks to Mr. Pozner in 2018, and  
13   you continue to treat him all the way up to -- he's  
14   still your patient; right?

15          A.    He is.

16          Q.    I'm sorry, I meant that after Mr. Heslin  
17   spoke with Mr. Pozner 2018.  You understand that?

18          A.    Correct.

19          Q.    Okay.  I want, if you can, to describe to  
20   the jury the differences in Neil's mental health after  
21   2018.

22          A.    When he realized that Alex Jones was not  
23   stopping, he became very focused on, I've got to  
24   protect, which is what all parents do, I've got to  
25   protect my son.  I've got to protect my son's name, my

1 son's honor, his memory. Because if -- if Alex Jones,  
2 if he was spreading the belief, the lies, that Neil is  
3 an actor, that means that -- I'm sorry. That means that  
4 Jesse didn't exist. Which is crazy.

5 And that means if Jesse didn't exist and  
6 Newtown didn't happen, the Sandy Hook shooting didn't  
7 happen, then -- then what he knows about his son is  
8 false. That's crazy. Jesse was hero. Jesse saved  
9 lives.

10 Q. How did he save lives?

11 A. He yelled "Run." When Adam Lanza ran out of  
12 ammunition and was reloading, Jesse said, "Run."

13 Q. Kids got out?

14 A. And kids got out.

15 And there are kids who are now turning 16  
16 that wouldn't be alive today if he didn't yell "Run."

17 Q. He was six.

18 A. He was six years old.

19 But that's what -- what Scarlett and Neil  
20 taught him, you know, we don't quit until the job is  
21 over; right?

22 Q. And Alex Jones is trying to -- when he said  
23 he doesn't exist, he's stealing that from Neil; is that  
24 right?

25 A. That's correct.

1 Q. He's stealing it from Scarlett. Right?

2 A. Stealing a belief that -- and a knowledge  
3 that -- because this was told to Neil -- my  
4 understanding is it was told to Neil by kids who got  
5 out, "Jesse saved our lives, he said, 'Run.'" So, yes,  
6 you're taking away from Neil and Scarlett what they know  
7 of their son, what they want to hold onto.

8 Q. How did that affect Neil's well-being? What  
9 did he start doing?

10 A. In 2018?

11 Q. Yes, sir.

12 A. He, when he realized that Alex Jones was not  
13 going to stop, he said, okay, the next step is to sue  
14 him for defamation of character. He got -- he went to  
15 Mr. Pozner and he said, why, why do people -- why do I  
16 keep getting death threats, why do I keep getting people  
17 calling me and talking to me?

18 And Mr. Pozner said, he mentioned your  
19 name a year ago, Neil.

20 And Neil didn't know that. Because he  
21 didn't want to dignify what Alex Jones was saying.

22 Q. I want to run that piece and have you watch  
23 it, if that's okay.

24 A. Sure.

25 THE COURT: It's Plaintiffs' Exhibit PVX



1 23. It should show up on your screen here.

2 THE WITNESS: Okay. Thank you.

3 *(Video played off the record.)*

4 BY MR. FARRAR:

5 Q. Mr. Crouch, did you hear the part in there  
6 where Mr. Shroyer said, you would remember if you held  
7 your dead kid, that is not something you would misspeak  
8 on?

9 A. Yes, I heard that.

10 Q. He's calling Neil Heslin a liar; isn't he?

11 A. He's calling Neil a liar and he's saying  
12 that Jesse didn't die; that he didn't exist.

13 Q. That he didn't exist. He's not really  
14 saying that he didn't hold Jesse, he's saying he didn't  
15 exist; right?

16 A. Correct.

17 Q. What did that do to Neil, when he heard  
18 that?

19 A. I don't -- I can say what it did to me. I  
20 was just -- I watched this video and I thought, this guy  
21 has no feelings. He doesn't -- he doesn't check his  
22 facts. I would imagine that, when Neil heard that, he  
23 was incensed, again somebody is calling him a liar,  
24 somebody is saying that his son didn't exist. That's  
25 just --

1 Q. Did you see in Neil's affidavit where he  
2 said after he found out about this, fear dominated my  
3 thoughts?

4 A. Yes, I saw that.

5 Q. Is that consistent with your treatment and  
6 what you saw in your notes?

7 A. Yes, as of in -- when he realized that this  
8 was real, this was going on, you could see -- you could  
9 see Neil change. There was a lack of emotion, there was  
10 a lack of affect, and he was focused on, I've got to  
11 right this wrong. This is not right.

12 Q. How did he try to right that wrong?

13 A. We're here today. He went on Megyn Kelly a  
14 year before to try to say, please stop. When that  
15 didn't work, I think he said, I've got to take the next  
16 step.

17 Q. This is the system we hold people  
18 accountable in America; right?

19 A. That's correct.

20 Q. It's sort of what separates us from wild  
21 animals, who just fight each other to death; right?

22 A. Right.

23 Q. There's criticism, you've heard the  
24 criticism that he filed this lawsuit and somehow making  
25 it worse. This is what he has to do; right?

1           A.    I think it's what he feels he has to do,  
2    yeah.  If Alex Jones doesn't stop, then he has to do  
3    this.  He has got to say, this is real, my son was real.  
4    I held my son.

5           Q.    When he went on Megyn Kelly he was reaching  
6    out to Alex Jones before he filed this case; right?

7           A.    That's correct.  He was hoping that that  
8    would get him to stop.  It didn't.

9           Q.    Did he discuss with you his fear for his own  
10   personal safety?

11          A.    Well, it's -- that's the new injury, is that  
12   now he not only is aware that there are a number of  
13   people, and I don't care if it's one or six billion, I  
14   don't care, but there are a number of people who are  
15   believing that Sandy Hook was a hoax.  And so he needs  
16   to -- he needs to right that wrong.

17          Q.    Is the realization that people believe Sandy  
18   Hook elementary was a hoax, is that a new and separate  
19   and distinct injury from the loss of Jesse?

20          A.    I think the -- God.  You know, I think the  
21   loss of Jessie is a loss by itself.  You know, you can't  
22   make that okay, you can't -- he's not going to recover  
23   from that.  He'll find a place to put it.  The new  
24   injury is his own personal safety and that there are  
25   people, yes, there are people that believe that Sandy

1 Hook was a hoax, and he has to set that right.

2 Q. That became his sole purpose?

3 A. That's his sole purpose, yes.

4 Q. I want to talk to you a little bit about  
5 Scarlett. I know you didn't get a chance to see her as  
6 often.

7 A. I saw her only about ten times.

8 Q. And was that all in 2020?

9 A. 2020.

10 Q. Tell us a little bit about what she was  
11 going through when you met her.

12 A. You know, she was so, you know, things were  
13 out of balance. She was so focused on Choose Love, that  
14 was her focus and that was how she was healing the loss  
15 of Jesse was staying focused on that. So, there was a  
16 loss of a balance, a personal happiness that didn't  
17 happen.

18 She did like to have people over and have  
19 dinner parties and she didn't do that anymore. She  
20 loved going out on her boat. That was her happy place,  
21 and she talked about how Jesse loved the boat and all of  
22 that was taken away when she lost Jesse.

23 Q. Was she -- was some of the obsession with  
24 work, was it related to her fear that was caused by Alex  
25 Jones?

1           A.    I can only assume.  She never really talked  
2 about that.  But she -- just things were out of whack.

3           Q.    Okay.

4           A.    She focused more and more and more on Choose  
5 Love.

6           Q.    Let me ask -- sorry.

7           A.    It's okay.

8           Q.    What do you think Neil's life would look  
9 like if Alex Jones had never come in it, never said  
10 anything about Sandy Hook?

11           A.    I think he would still be grieving, he and  
12 Scarlett both would still be grieving the loss of Jesse,  
13 but I do think that he would have found a way to return  
14 to life, have a more social life, have more of a work  
15 life, more balance in his life.  I think he would have  
16 found a way.

17                   And, you know, Scarlett would continue  
18 with Choose Love because that's how she's healing.

19                   Would Neil still live in Connecticut?  I  
20 don't know.  But he would definitely have more balance  
21 in his life.

22           Q.    Why is this trial, why is this case  
23 important to Neil and Scarlett?

24           A.    They have -- they need to know and to have  
25 the world know that their son mattered; that he lived.

1 They were good parents and so they still feel, I've got  
2 to protect that memory and that honor of our son. And  
3 so that would still be going on. But they wouldn't be  
4 so scared as they are right now. They wouldn't have to  
5 fight this or as significantly fight this belief that  
6 Sandy Hook was a hoax.

7 Q. They're still protecting Jesse?

8 A. They are absolutely still protecting their  
9 son.

10 MR. FARRAR: Thank you, Mr. Crouch.

11 THE COURT: All right, Mr. Reynal.

12 MR. REYNAL: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. REYNAL:

15 Q. Thank you for appearing here, Dr. Crouch.

16 A. You're welcome.

17 Q. I want to take you back to December of 2012  
18 and when you first became involved in this tragedy.

19 A. Uh-huh.

20 Q. When the world found out what had happened  
21 at the Sandy Hook Elementary School, how would you  
22 describe the reaction at the time?

23 A. I think the world opened up and supported  
24 those -- the people who had lost children, the teachers  
25 who had died. I think they tried to support any way

1 they could.

2 Q. And how did they do that?

3 A. Oh, my God. They sent hundreds of thousands  
4 of stuffed animals. I remember there was a religious  
5 group that showed up and were going to confront the  
6 families and the Hell's Angels literally lined the  
7 streets and made sure that they didn't get close to  
8 those families during the funerals.

9 Q. Did the Connecticut -- let's say the state  
10 government, did they support the families and the town  
11 of Newtown?

12 A. They did. The state troopers, each of them,  
13 took a family who had lost a child and stayed with them  
14 up to a year.

15 Q. You mean lived in their home?

16 A. Didn't live in their homes but made sure  
17 that they were there first thing in the morning and left  
18 when they went to bed.

19 Q. And for many of those state troopers did  
20 that relationship end in, let's say, the first -- 2014?

21 A. I don't know. I don't think so. I think it  
22 goes on.

23 Q. Do you know who the state trooper was that  
24 was assigned to Mr. Heslin?

25 A. I do not.

1 Q. Miss Lewis?

2 A. I do not.

3 Q. Did President Obama come to --

4 A. I think he did.

5 And I think the governor came, too.

6 Q. And do you know if -- do you know that  
7 Scarlett Lewis got to meet President Obama?

8 A. I don't know.

9 Q. Okay.

10 A. I do know that they missed Troop A, the  
11 state troopers that were there on that day and stayed in  
12 that room for up to a week.

13 Q. I'm sorry, they missed?

14 A. They, for some reason, didn't stop there and  
15 didn't invite them to meet the president.

16 Q. Oh. And what effect did that have on the  
17 troopers of Troop A?

18 A. It was devastating to them. Sad.

19 Q. They felt like their government wasn't  
20 supporting them?

21 A. I think so.

22 Q. You spend most of your time working with  
23 first responders?

24 A. A significant amount of my time.

25 Q. And I saw that you have several YouTube



1 videos out.

2 A. I have one, one TEDx talk on grit.

3 Q. If I can disagree with you, I think you have  
4 two, because there's a speech, as well, where you go  
5 through everything -- well, it doesn't matter.

6 A. I don't know, maybe so. That's good info.

7 Q. In your speeches, and I'll just ask you now,  
8 you believe that posttraumatic stress disorder is  
9 treatable?

10 A. I do believe that.

11 Q. And the method that you use is called EMDR?

12 A. That's correct.

13 Q. And I think you said that it's been around  
14 for a long time?

15 A. Since the late '80s, yeah.

16 Q. And how effective do you find it to be in  
17 the treatment of PTSD?

18 A. Very effective. You know, some people it  
19 takes as little as three, six sessions, others it can go  
20 on.

21 Q. And?

22 A. Others find it not helpful, so.

23 Q. Okay. You also say that PTSD is an injury  
24 that can be seen in the brain through imaging?

25 A. Correct.

1 Q. And please describe that.

2 A. If you -- if you do a PET scan of the brain  
3 you will -- it will light up, you'll see red areas and  
4 your brain is trying to figure out what happened and how  
5 to -- how to resolve it. If you've had -- almost had a  
6 car accident, you might for 15 minutes or so go, oh, my  
7 God, what just happened, and then you go, okay, I'm  
8 okay, I survived and I'm all right.

9 When there's a logjam, that's when you've  
10 got a problem.

11 Q. What are you referring to when you say  
12 there's a logjam and how do you see that?

13 A. Okay. So, when there is something that  
14 keeps the trauma, keeps the image present in your brain,  
15 then we have a problem.

16 Q. Have you ever done any forensic work?

17 A. No.

18 Q. Would you think that conducting such a PET  
19 scan would be a useful tool in diagnosing somebody with  
20 or without PTSD?

21 A. It would be a useful tool, not the only one.

22 Q. You're familiar with the DSM-5?

23 A. Uh-huh.

24 Q. Can you explain to the members of the jury  
25 what that is?

1           A.     Yeah, it's a diagnostic manual that we use  
2     to determine -- you know, in fact, a DSM-1 had a hundred  
3     diagnoses, the DSM-5 has well over 300. We can argue  
4     what that's about, but that's the difference in it. And  
5     it's how we diagnose and there are a list of symptoms.

6           Q.     And you work with it often?

7           A.     Uh-huh.

8           Q.     Almost routinely?

9           A.     That's correct.

10          Q.     In order to diagnose PTSD, what symptoms  
11     have to be present?

12          A.     There are a number of them. Avoidance of  
13     something that reminds you or is similar to the issue  
14     that brought on the trauma; some of those symptoms are  
15     similar to depression, problems sleeping, problems with  
16     concentration, problems with focus. Those kinds of  
17     things.

18          Q.     When we speak of trauma in terms of the  
19     diagnosis of posttraumatic stress disorder --

20          A.     Uh-huh.

21          Q.     -- what kind of trauma are we talking about?

22          A.     There are a number of things, and it's  
23     really how the individual responds to it more than the  
24     symptom.

25          Q.     Is it fair to say that in the DSM they limit

1 trauma to physical or sexual assault upon yourself or a  
2 loved one?

3 A. I think -- you know, I'm not sure about  
4 that. I think it would be physical, sexual, and  
5 emotional --

6 Q. Okay.

7 A. -- assault.

8 Q. So any kind of -- your testimony here today  
9 is that you believe that any type of an emotional  
10 assault qualifies for posttraumatic stress disorder?

11 A. I would say so, yes.

12 Q. Would it be helpful to you to look at the  
13 DSM-5?

14 A. Might be.

15 MR. FARRAR: Your Honor, I don't have a  
16 problem if I knew this was the right DSM-5. He's  
17 just -- the website he got up.

18 MR. REYNAL: I can ask him some questions,  
19 perhaps put it in front of the witness, ask him some  
20 questions about it.

21 THE COURT: Well, you're trying to refresh  
22 his recollection with this document, so you have to know  
23 what you're showing him. So, can you not tell?

24 MR. FARRAR: I don't mind if he shows  
25 Mr. Crouch, if Mr. Crouch says, this is it, then that's

1 great, I'll allow that.

2 THE COURT: All right, then you can show  
3 it to him.

4 MR. FARRAR: I just wonder where you're  
5 going.

6 THE WITNESS: Yeah, I don't know if this  
7 is the DSM, number one.

8 BY MR. REYNAL:

9 Q. Okay.

10 A. I can tell you that, yeah, it's not about --  
11 in the DSM it doesn't say "The child rarely or  
12 minimally." So, this must be about children.

13 Q. If I may, I think it refreshed and you're  
14 reading about reactive attachment disorder.

15 A. Okay, but -- okay.

16 Q. But let me ask you a couple more questions.  
17 Does the -- are you familiar with the -- is it the  
18 American Psychiatric Institute that publishes the DSM-5?

19 A. Yes.

20 Q. And if you -- do they publish it both in a  
21 print copy, as well as digitally online?

22 A. They do.

23 Q. And please take a look and see if that  
24 appears to be the digital version of the DSM-5.

25 A. You know, I think this is an explanation of

1 what the DSM-5 might say. It's very brief, the symptoms  
2 of trauma and stress are outlined differently in the  
3 DSM.

4 Q. Yeah?

5 A. Yeah.

6 Q. If you look here --

7 A. Yeah.

8 Q. So --

9 A. Again, this is not the DSM that I'm aware  
10 of.

11 Q. Very well.

12 There's a -- withdrawn.

13 How often do you visit with Mr. Heslin?

14 A. It depends. It's been weekly and it's been  
15 monthly. It depends on when Neil calls.

16 Q. Has it ever been more than once a week?

17 A. No.

18 Q. And how much do you charge?

19 A. 195 per session.

20 Q. And you've been seeing him for about nine  
21 years, ten years?

22 A. Been seeing him since 2013. So, nine years,  
23 yeah.

24 Q. What intervention are you recommending for  
25 Mr. Heslin at this time?

1           A.    At this time what we're doing is talking  
2 about what he's going through. We're not doing EMDR  
3 right now.

4           Q.    Have you used EMDR on Mr. Heslin?

5           A.    Uh-huh. I have, yes.

6           Q.    And have you had some success with it?

7           A.    I have.

8           Q.    Do you hope to have more success with it in  
9 the future?

10          A.    I do.

11          Q.    Do you believe that Mr. Heslin can recover?

12          A.    I believe that Mr. Heslin can find a way to  
13 put memories of Jesse in a place where he can return to  
14 work -- well, he is working, but where his work will  
15 be -- actually, he may retire, but he will be able to  
16 have a life.

17          Q.    Okay.

18          A.    Right?

19          Q.    And that's an achievable goal, in your view?

20          A.    I think that that's achievable.

21          Q.    And when you talked before, it's -- I think  
22 you testified words to the effect of, or tell me if you  
23 agree, that it is -- when you lose a child in this  
24 manner it is something that, in some way or another,  
25 will haunt you for the rest of your life.

1           A.    I think that's true. And I think what's  
2   important, I talked about logjams, Alex Jones is a  
3   logjam. What happened to Neil, that's a logjam.

4           Q.    The logjam, and I wanted to get our timeline  
5   a little bit cleaned up, because I heard 2013 and then I  
6   heard 2018. When did Alex Jones become an issue for  
7   Neil?

8           A.    I think he became an issue in 2013, when  
9   Neil was aware that people were claiming that Newtown  
10   had not happened. Then he really became an issue in  
11   2018 when Neil realized that he was directly being  
12   attacked. Viciously attacked.

13          Q.    Between 2013 and 2018, was Mr. Heslin  
14   actively engaged with rumination about Alex Jones or had  
15   he moved on?

16          A.    I think he was avoiding that issue. He  
17   said, I don't want to dignify that issue right now. So,  
18   had he moved on, that's -- I wouldn't say "moved on" is  
19   an accurate term. He had found a way to avoid, ignore  
20   what was going on.

21          Q.    And he had exercised his power to choose to  
22   shut that down.

23          A.    Well, that's -- that's a symptom of trauma,  
24   isn't it. I'm going to -- I'm going to disconnect from  
25   something that is troubling to me.



1 Q. Isn't that healthy, though?

2 A. It's -- I would suggest no, not in  
3 Mr. Heslin's case, because it kept the injury alive.

4 Q. How -- in your notes how often do you see  
5 Alex Jones' name appearing between 2013 and 2018?

6 A. I do not see Alex Jones' name because Neil  
7 was choosing to not dignify it, not go there.

8 Q. And did you write in your notes, Mr. Heslin  
9 is actively avoiding Alex Jones and dealing with that?

10 A. No, because he didn't talk about it. And I,  
11 quite honestly, didn't know about Alex Jones until 2018.

12 Q. So, based on your treatment of Mr. Heslin  
13 and your personal contact with him, the first time Alex  
14 Jones comes up is in 2018?

15 A. That's correct.

16 Q. As a -- as Mr. Heslin's therapist you have  
17 an implicit and explicit contract with him to act in his  
18 best interest.

19 A. As I see it, not necessarily as he sees it.

20 Q. And that is to -- you're not -- your  
21 relationship isn't defined by necessarily giving  
22 testimony in court, it's defined by whether or not  
23 Mr. Heslin is improving?

24 A. I guess you can say that.

25 Q. And as part of that it's not your job to go

1 out and investigate or question whether what Mr. Heslin  
2 is telling you during your sessions is the truth rather  
3 than his truth?

4 A. I think my job is to listen to what he has  
5 to say and help him move towards a more functional life.

6 Q. And I guess what I mean, and maybe this will  
7 be a better question, after you have a session with  
8 Mr. Heslin you don't go out and investigate if what he  
9 told you is true or not true?

10 A. No.

11 Q. That's not part of what you do?

12 A. That's right.

13 Q. Can you tell this jury to a reasonable  
14 degree of medical certainty how much of Mr. Heslin's or  
15 Miss Lewis's emotional pain was caused by the murder of  
16 their son by the killer, Adam Lanza, versus the talk  
17 show host Alex Jones?

18 A. I think that those are two separate  
19 questions. The loss of a child absolutely is  
20 devastating and causes grief and pain that I'm not sure  
21 as a parent you ever get over. But when I talk about  
22 logjams, so, in 2018 when Neil realized that he was  
23 being targeted and that the credibility of his son and  
24 of Scarlett and Neil was being challenged, that's a new  
25 injury.

1                   So, from 2018 when he realized, oh, my  
2                   God, this is -- this is real and this is happening to  
3                   us, um, I think Neil became very focused on getting some  
4                   honor and some clarity about his memory of Jesse. How  
5                   much? I don't know. I could say a hundred percent, I  
6                   could say whatever. It's painful.

7                   Q.     And what I --

8                   A.     And so, what Alex Jones has said is painful  
9                   to him. And he has said, it's too painful for me.

10                  Q.     So what I'm hearing you saying is that you  
11                  consider it to be a new injury. But that, within the  
12                  course of dealing with a patient, it's very difficult to  
13                  take a particular constellation of emotional pain and  
14                  put it into one bucket or into a different bucket.

15                  A.     I think that, again, there are two buckets  
16                  here. One is the loss of a child, and that's always  
17                  painful and will never really be healed. The other is  
18                  the belief that and the accusation that it didn't  
19                  happen. That's painful. And that's a different bucket  
20                  and that bucket's full right now.

21                  Q.     I -- when you testify about negation, that  
22                  Alex Jones has negated the existence of Mr. Heslin and  
23                  Miss Lewis's son?

24                  A.     Uh-huh. I think I called it a logjam, yeah.

25                  Q.     I'm sorry?

1           A.     That's okay.

2           Q.     You are basing that off of what Mr. Heslin  
3     and what Miss Lewis have told you and not on a  
4     dispassionate analysis of the evidence in the case?

5           A.     I'm basing it off of, yes, what Neil and  
6     Scarlett have told me. But also what I have observed on  
7     the internet in terms of watching Alex Jones claim it  
8     was fake.

9           Q.     And since you are a member of the community  
10    and you did that, you went online to search out that  
11    claim, can you tell us in what year and for how long  
12    Alex Jones said that it was fake?

13          A.     I don't know when he said that or when he  
14    started. No, I don't know.

15                 MR. REYNAL: Pass the witness.

16                 THE WITNESS: Okay.

17                 THE COURT: All right. Do you have a lot?

18                 MR. FARRAR: A couple of minutes.

19                 THE COURT: Okay. I think we'll just keep  
20    going and do a break and questions all at the same time.

21                         REDIRECT EXAMINATION

22    BY MR. FARRAR:

23          Q.     Mr. Crouch, did you sort of pick up on this  
24    theory that maybe Mr. Heslin or Miss Lewis was not being  
25    honest with you from the questions?

1 A. There was a challenge of that.

2 Q. You find that ironic in this case?

3 A. A little bit, in that I -- I know that they  
4 have been very honest with me, that they trust me.

5 Q. They pay you money to help them; right?

6 A. That's correct.

7 Actually, I get paid by Sandy Hook.

8 Q. Okay.

9 A. Paid by the town.

10 Q. You were asked whether the EMDR is effective  
11 for PTSD?

12 A. Yes.

13 Q. Is EMDR effective to treat PTSD if the PTSD  
14 is ongoing and complex and that trauma hasn't stopped  
15 yet?

16 A. No. Nothing is, frankly.

17 MR. FARRAR: Thank you, Mr. Crouch.

18 THE COURT: Mr. Reynal.

19 MR. REYNAL: Thank you.

20 THE COURT: All right. So then the jury  
21 will combine, it's 3:26, we'll do a 30-minute break and  
22 question break. Remember all of my instructions about  
23 how these questions go and everything else, please.

24 *(Brief recess.)*

25 *(Discussion between court and counsel*

1     *off the record.*)

2                   THE COURT: We've gone over the questions  
3     submitted by the jury. Are you in agreement with those  
4     we've decided to ask, Mr. Farrar?

5                   MR. FARRAR: Yes.

6                   THE COURT: Mr. Reynal?

7                   MR. REYNAL: Yes.

8                   MR. FARRAR: Your Honor, before we call  
9     the jury back Mr. Ball has one quick issue.

10                  MR. BALL: Just we're really close to the  
11     end of the day. We were going to call Jesse Lewis --  
12     not Jesse Lewis, J.T.. J.T. Lewis. Long story short,  
13     we're not, and we didn't think -- we thought we were  
14     going to be at the end of the day, so we would like to  
15     just, if we have another 15 or 20 minutes, something  
16     like that, work on the jury charge.

17                  THE COURT: You want to let the jury go  
18     home early today.

19                  MR. BALL: Yeah, and start again tomorrow.

20                  THE COURT: We do need to talk about the  
21     jury, so I think that's fine.

22                  So, you're not going to call him at all or  
23     you're not going to call him today?

24                  MR. BALL: We're not going to call him at  
25     all.

1 THE COURT: Okay. That's probably good.  
2 I'm assuming, while we're sitting here  
3 talking about it, that we've gone through all the depositions,  
4 we have a witness for the second phase, right, the  
5 economist.

6 MR. BALL: That would be correct.

7 THE COURT: You're not calling --

8 MR. BALL: And then we have two more  
9 witnesses left on our first phase.

10 THE COURT: So, the rest of your witnesses  
11 you're not planning on calling, just Mr. Heslin and  
12 Miss Lewis?

13 MR. BALL: That's correct, Your Honor.  
14 And I don't expect for them, at least for the direct, to  
15 be on for any extended period of time. So I think we  
16 would be finished with our case, the first phase, by  
17 tomorrow at noon at the very latest, the absolute  
18 latest, and then probably before that really.

19 THE COURT: All right. And will you be  
20 calling any independent witnesses of your own,  
21 Mr. Reynal?

22 MR. REYNAL: Independent, you mean other  
23 than my client, Your Honor?

24 THE COURT: I mean other than -- are you  
25 going to call any witnesses in your phase of the case,

1 the first phase?

2 MR. REYNAL: I still haven't decided. If  
3 I called a witness it would be my client.

4 THE COURT: Okay.

5 MR. BALL: Well, Your Honor, we need to  
6 know who's being called.

7 THE COURT: Yeah, I make them tell  
8 everyone. You have until 5:00 to decide, how is that.

9 MR. REYNAL: Well, I can tell them if I  
10 called any witness at all, it would be him.

11 THE COURT: Well, you have until 5:00 to  
12 tell us what your plan is tomorrow. Just like I have  
13 made them every single day tell us who is going to be up  
14 next, that's the rule in this courtroom.

15 All right, let's bring back the witness  
16 and the jury.

17 *(The following proceedings were held in*  
18 *open court in the presence of the jury.)*

19 THE COURT: All right. So, Dr. Crouch,  
20 I'm going to read some questions for you to answer and I  
21 need you to just listen to the question and answer it  
22 for the jury.

23 THE WITNESS: Okay.

24 THE COURT: Let me know if you don't  
25 understand it, we'll probably just move on, something



1 like that. Okay?

2 THE WITNESS: Okay.

3 THE COURT: Jury, same instructions as  
4 always, if you don't hear your question that's because I  
5 made that decision, and you can direct your frustration  
6 in my direction.

7 All right. Ready?

8 THE WITNESS: Yeah.

9 EXAMINATION

10 THE COURT: Besides this lawsuit, what  
11 other ways have you suggested that Mr. Heslin cope?

12 THE WITNESS: Wow. Again I think counsel  
13 talked about two buckets, there's coping with the death  
14 of his son and then there's coping with somebody who  
15 says he's a liar. So, I'm not sure there's another way  
16 to cope with that. I think he's tried to cope with --  
17 when he talked to Megyn Kelly he tried to cope. He  
18 tried to say, please stop, and that didn't work. So, in  
19 terms of that logjam, I don't think there's another way  
20 to cope.

21 In terms of the death of his son, I think  
22 that it's -- the grief is complicated, and I think that  
23 we will return to EMDR when the logjam is out of the way  
24 and hopefully we can find a way to get him to reenter  
25 his life. And the same thing with Scarlett to find some

1 balance for him. Her.

2 THE COURT: As a member of the Trauma  
3 Recovery Network and your association with the Sandy  
4 Hook community, are you familiar with any other parents  
5 or teachers or first responders who have been targeted  
6 with threats or actual violence by persons that claim  
7 Sandy Hook was a hoax?

8 THE WITNESS: Only -- only in dealings  
9 with the parents and as a co-coordinator of the Trauma  
10 Recovery Network, there are other clinicians who  
11 struggle with that, who have dealt with the belief that  
12 they're liars, that this didn't happen. And I think  
13 that they are all watching what happens in this trial.

14 THE COURT: Did Mr. Heslin receive a PET  
15 scan to determine PTSD?

16 THE WITNESS: No, he did not. I'm sorry.

17 THE COURT: No, that's okay. I was just  
18 going to say there's a second part. If it is not an  
19 important method to determine PTSD, then what is the  
20 value of it? What is it used for?

21 THE WITNESS: Okay. It's not that it's  
22 not an important way of determining PTSD, it's one of  
23 the many ways. We can do a PET scan and you can see  
24 that there's a block. And it's relatively new, PET  
25 scans, in terms of seeing the brain and where there is

1 injury. PET scans, I've just started to hear about them  
2 over the last ten years or so. If EMDR has been around  
3 since the late 1980ss, PET scans are relatively new.

4 I don't use them, one, because it costs  
5 money; two, because if you listen to the symptoms you  
6 know that someone has been traumatized. And to what  
7 level they are.

8 THE COURT: Does the duration and quantity  
9 of instances dictate the degree of traumatic injury  
10 sustained?

11 THE WITNESS: Could you read that again  
12 for me?

13 THE COURT: Of course. Does the duration  
14 and quantity of instances dictate the degrees of  
15 traumatic injury sustained?

16 THE WITNESS: Um, you know, it's just  
17 another trauma. So, and it may be different. You know,  
18 as a car accident is the same as another form of trauma,  
19 you know, sexual abuse, the death of a child, is one  
20 trauma, I think I testified to that, the belief that  
21 you're a liar and that Jesse didn't exist is another  
22 trauma. And that will require treatment for that  
23 specific incident; right?

24 I don't know if that answers the question.

25 THE COURT: Can duration and quantity of

1 instances magnify the severity of the trauma inflicted?

2 THE WITNESS: I would say yes, that if  
3 there are -- if there are numerous instances of the same  
4 trauma, for instance, in sexual abuse if it went on for  
5 a number of years, then yes, I think the trauma is more  
6 severe, as opposed to a single instance, instanced  
7 trauma. So, yes.

8 THE COURT: Dr. Crouch, those are the  
9 questions that I have for you. I want to thank you for  
10 your time and testimony.

11 THE WITNESS: Thank you.

12 THE COURT: Thank you. And you're free to  
13 go back down.

14 So, we had -- the lawyers and I had a  
15 brief conversation during the break, we were  
16 expecting -- we have some expectations about how the day  
17 tomorrow will go and to get there we have some work that  
18 we need to do outside the presence of the jury. Given  
19 the late time of day, what I've decided to do is just  
20 release you today to go home and we'll start again  
21 tomorrow. So, I'm hoping you'll arrive at 8:45 just  
22 like normal, ready to go.

23 Remember all of my instructions, no news,  
24 no social media, no conversation, no research.

25 Thank you, and I'll see you tomorrow.

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We can go off the record.

(End of proceedings.)

## 1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS )

3 COUNTY OF TRAVIS )

4 I, Alicia DuBois, Official Court Reporter  
5 in and for the 459th District Court of Travis County,  
6 State of Texas, do hereby certify that the above and  
7 foregoing contains a true and correct transcription of  
8 all portions of evidence and other proceedings requested  
9 in writing by counsel for the parties to be included in  
10 this volume of the Reporter's Record, in the  
11 above-styled and numbered cause, all of which occurred  
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's  
14 Record of the Proceedings truly and correctly reflects  
15 the exhibits, if any, offered in evidence by the  
16 respective parties.

17 WITNESS MY OFFICIAL HAND this, the 29th  
18 day of September, 2022.

19  
20 /s/ Alicia DuBois  
21 Alicia DuBois, CSR  
22 Texas CSR 5332  
23 Exp. Date: 1/31/24  
24 Official Court Reporter  
25 459th District Court  
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